

ACTS
PASSED AT
THE ANNUAL SESSION
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ALABAMA

November 1833 through January 1834

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PUBLIC AND GENERAL
LAWS OF ALABAMA.

[No. 1.]

AN ACT

To change the times of holding the County Courts of the County of Franklin:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county courts of the county of Franklin shall hereafter be holden on the first Mondays in February and August, in each and every year, and may continue in session one week but no longer. County Court when held.

Sec. 2. *And be it further enacted,* That all processes which have or may issue, returnable to the December term, of said court is hereby made returnable to the first Monday in February next, and shall have the same force and effect, as though this change had not been made. Process.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, coming within the purview and meaning of this act, be and the same are hereby repealed.

Approved, November 22, 1833.

[No. 2.]

AN ACT

To provide further for taking the Census of Coosa county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Ausburn Coker be and he is hereby appointed to take the census of Coosa county, agreeable to the provisions of the laws of this State, and he is hereby required as soon as practicable to take the census of the inhabitants of said county, and make return thereof to the present session of the General Assembly.

Approved, November 28, 1833.

[No. 3.]

AN ACT

To authorize Town Constables to execute process issued by Justices of the Peace.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be lawful for the constable now or who may hereafter be elected for any incorporated Town constables may execute process

Proviso.

counties in this State; *Provided*, that before any such constable shall be authorized as aforesaid, he shall be required to take the oaths and execute bond before the judge of the county court, under the same rules and regulations as required of other constables; and provided further, that such town constable shall be subject to all laws and penalties provided for other constables in this State.

Approved, December 7th, 1833.

[No. 4.]

AN ACT

Making appropriation for printing, binding and delivering the Digest of the Laws of Alabama.

Appropriation to A. Tower.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of three thousand eight hundred and eighty-five dollars and sixty-eight cents, be and the same is hereby appropriated to Alexander Tower of Philadelphia, as a compensation for printing, binding and delivering three thousand copies of the digest of the laws of Alabama, pursuant to an act of the last General Assembly, and that the same be paid out of any monies in the treasury not otherwise appropriated, upon the warrant of the governor.

Approved, December 10th, 1833.

[No. 5.]

AN ACT.

Concerning Escheats.

Money from escheats to be paid into county treasury.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That any sum or sums of money which may hereafter be recovered by the several escheators of the State, shall be paid by them into the county Treasury of the county where the same shall or may be escheated.

Fees.

Sec. 2. *And be it further enacted*, That the said escheators shall be entitled to their usual fees and commissions out of the aforesaid sum or sums of money.

Approved, December 16, 1833.

[No. 6.]

AN ACT

To change the time of holding the County Courts of the county of Benton.

Benton county court when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the county courts of the county of Benton, shall be held on the second Mondays in January and July, and shall continue in session until all the business is disposed of.

Process.

Sec. 2. *And be it further enacted*, That all precepts and process made returnable to the present term of said court be, and the same are hereby made returnable to the terms as provided for in this act.

Sec. 3. *And be it further enacted,* That all laws contravening the provisions of this act are hereby repealed.

Approved, December 18, 1833.

[No. 7.]

AN ACT

To provide for compensating the different Census Takers in the year 1833.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a sum of money sufficient to defray the several claims on the State Treasury, for taking the census of this State for the present year, be and the same is hereby appropriated to be paid to the several claimants according to the rates established by law, and the certificate of the Secretary of State as to the number enumerated in each county, out of any money in the Treasury not otherwise appropriated.

Approved, December 23, 1833.

[No. 8.]

AN ACT

Further to provide for the sale of the 400,000 Acres of Land, granted to this State for Internal Improvement.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the settlers or occupants on any of the donated lands for the improvement of the navigation of the Tennessee river, shall be entitled to a preference of entering the same from the passage of this act until the first day of July next, and after thirty days from the first of July, the Register of the Land Office at Courtland, shall on the application of any occupant or settler, permit the entry of one eighth quarter sections by lines running east and west or north and south, running said lines with the variations known in the Huntsville Land district; which may be subject to sale in the said land office at Courtland, at a price not less than one dollar and twenty-five cents per acre, and after sixty days from the first day of July, any person making application shall be entitled to enter any lands unsold in quantities of one eighth quarter section, in the manner pointed out in this act.

Sec. 2. *And be it further enacted,* That said register shall in all other respects be governed by the same laws heretofore passed, in force in said office.

Approved, December 27, 1833.

No. 9.]

AN ACT.

To compel the attendance of Jurors summoned at the instance of Tennessee Canal Commissioners and for other purposes

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, each and every Juror who may be summoned in pursuance of the

Penalty a-
gainst jurors
for not attend-
ing summons.

fifth section of an act entitled an act for appointing canal commis-
sioners for the improvement of the navigation of the Tennes-
see River and for other purposes, approved January 20th 1830
and who shall fail to attend in persurance of said summons shall
forfeit and pay the sum of twenty dollars, for which the jus-
tice of the peace, issuing the summons for the juror in said
mentioned act, shall enter judgment and issue execution unless
the juror making default shall, within ten days after such fail-
ure shew good cause to the contrary, which said fine shall be
paid into the State Treasury for the use of the State.

Commission-
ers may loan
a certain fund
to contractors

Proviso.

Sec. 2. *And be it further enacted*, That the commis-
sioners are hereby authorized to loan to the contractors the ten per
cent. retained in the hands of the commissioners, out of the
amount of work done, as collateral security for the completion
of their contracts, in an equal ratio for work done by each con-
tractor; *provided however*, that said contractors shall give bond
and security to the satisfaction of the commissioners, to refund
said sum of money so loaned at such time as the commissioners
may deem expedient.

Compensa-
tion to jurors.

Sec. 3. *And be it further enacted*, That each juror who
shall be summoned and serve under the provisions of this act,
shall be entitled to, and receive the same compensation for his
services as is by law, now allowed to jurors serving in the sev-
eral circuit and county courts in which he may reside, to be
paid by the canal commissioners out of the canal fund.

Approved, January 1, 1834.

[No. 10.]

AN ACT

To add a part of the County of Montgomery to the County of Macon.

Part of Mont-
gomery added
to Macon.

Section 1. *Be it enacted by the Senate and House of Re-
presentatives of the State of Alabama in General Assembly
convened*, That all that part of Montgomery county lying
north of the middle fork of Line creek, known as McCulloch's
creek, from the junction of the same with Town creek to the
Pike county line, be added to the county of Macon.

Approved, January 1, 1834.

[No. 11.]

AN ACT

Regulating the mode of taking Constable's Bonds.

Constables to
give bond to
county court.

Section 1. *Be it enacted by the Senate and House of Re-
presentatives of the State of Alabama in General Assembly
convened*, That whenever any constable shall be hereafter
elected, he shall, before he enters on the duties of his office, en-
ter into bond with at least two sufficient securities, to be ap-
proved by the judge of the county court of the county where
he may be elected; conditioned that he will pay over all mo-
nies collected by him in virtue of his office, and otherwise
faithfully discharge all the duties required of him by law.

Sec. 2. *And be it further enacted*, That whenever it is made known to the judge of the county court, that the bond or security of any constable in his county is not sufficient or solvent, the said judge shall notify such constable to renew his bond, and should such constable fail to do so within ten days after notice served on him, his office shall be vacated and the judge shall order the proper officer in such constable's beat to hold an election for a constable as now provided for by law.

County court to notify constable when bond is insufficient.

Sec. 3. *And be it further enacted*, That hereafter it shall not be required of any constable to renew his bond annually, as now provided by law.

Bonds not to be renewed annually.

Approved, January 1, 1834.

(No. 12.]

AN ACT.

For the relief of Master Builders and Mechanics in the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That from and after the first day of March next, master builders and mechanics of every denomination contracting in writing to put up and erect buildings of every description, shall have a lien in the nature of a mortgage upon the tract, parcel or lot of land upon which such building or buildings shall be put up and erected as well as upon the said building or buildings, until the price or compensation for services and for materials found shall be fully paid and satisfied, unless a contrary stipulation be made and agreed upon at the time it is entered into; *provided always*, that such lien shall not have a priority over *bona fide* mortgages or legal incumbrances existing anterior to the time of the contract being made if the said mortgages and incumbrances shall be duly recorded according to law.

Master mechanics to have a lien upon lot and buildings until paid.

Proviso.

Sec. 2. *Be it further enacted*, That every contract made and entered into as aforesaid, shall be recorded in the office of the clerk of the county court for the county where such buildings as aforesaid shall be erected and put up within the space of thirty days after the erection of the same, or otherwise the said lien shall cease and be inoperative.

Contract to be recorded.

Sec. 3. *And be it further enacted*, That when suit shall be brought by any master builder or master builders mechanic or mechanics upon any contract made, executed and recorded as aforesaid and a judgment or decree shall be rendered in favor of such master builder or mechanic, execution for the amount of the same may be levied upon the tract, parcel or lot of land upon which such building or buildings have been put up and erected, as well as upon the buildings and improvements thereon erected and made and all the right, title and interest which the defendant had in and to the said tract, parcel or lot of ground at

Execution may be levied upon lot and buildings.

Proviso.

the time the contract was entered into as well as the buildings and improvements erected and made thereon, may be sold to satisfy such judgment or decree; *provided nevertheless* that nothing in this act contained shall prevent such master builder or mechanic from levying his said execution upon any other property belonging to the person or persons against whom such judgment or decree shall have been rendered.

Proviso.

Sec. 4. *And be it further enacted*, That an act passed 15th June, 1821, entitled an act for the relief of master builders and mechanics of the State of Alabama, together with all other acts coming within the purview and meaning of this act be and the same are hereby repealed, saving and reserving however to master builders and mechanics, all the legal rights which they have acquired under the act aforesaid, provided that nothing in this act shall prevent the owner of said lot or land from relieving said building from the lien by giving good security for the price of the building.

Approved, January 1, 1834.

[No. 13.]

AN ACT

To change times of holding the County Courts in the County of Marion.

Marion county court when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county courts of Marion county shall hereafter be held on the second Monday in March and August, in each and every year in lieu of the times now fixed by law.

Process.

Sec. 2. *And be it further enacted*, That all precepts and process, issued and made returnable to said court as now fixed by law, are hereby made returnable to the terms of said court as fixed by this act.

Approved, January 3, 1834.

[No. 14.]

AN ACT

To repeal in part, an act approved on the 2d January, 1833, requiring the Judge of the County Court of Covington and Blount Counties, to reside within five miles of the County Site.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the above recited act, as requires the judge of the county court of Covington county to reside within five miles of the county site be, and the same is hereby repealed.

Approved, January 3, 1834.

[No. 15.]

AN ACT

To fix the number of Jurors to be drawn for the Circuit Court of Jefferson County and for other purposes.

Jurors what number to be drawn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be drawn and summoned, in the manner now prescribed by law, thirty-six jurors for each term of the circuit court of Jefferson county.

Sec. 2. *And be it further enacted*, That the jurors, drawn and summoned to attend the circuit and county courts of the county of Jefferson, shall receive for their services one dollar per day each, and four cents for every mile they may travel in coming to the same. Compensation.

Approved, January 3, 1834.

[No. 16.]

AN ACT

Making an appropriation for the payment of the Members and Officers of the present General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of thirty thousand dollars be, and the same is hereby appropriated for the payment of the members and officers of the present general assembly, to be paid out of any money in the treasury not otherwise appropriated.

Approved, January 11, 1834.

[No. 17.]

AN ACT.

Further to provide for the payment of Grand and Petit Jurors in the counties of Shelby, St. Clair and Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the law now in force to provide for the payment of grand and petit jurors in the county of Shelby, that it shall be the duty of the judge of the county court together with the commissioners of revenue and roads of the counties of Shelby, St. Clair and Barbour, at their first meeting in each and every year to levy a special tax, not to exceed fifty per cent. on the State tax for the purpose of paying the grand and petit jurors attending the several courts of said counties. Pay of grand and petit jurors in the counties of Shelby, St. Clair and Barbour.

Sec. 2. *And be it further enacted*, That it shall be the duty of the assessor and tax collector of said counties, to assess and collect said taxes at the same time and in the same manner that the State and county taxes are collected by law, and when collected pay the same over to the county Treasurer, for which services he shall receive five per centum on the amount so collected and paid over. Tax collectors duty in said counties.

Sec. 3. *And be it further enacted*, That it shall be the duty of the county treasurer, to keep said fund separate from all other funds of said counties, and immediately after the adjournment of each term of said courts to pay to each and every juror the amount for which he may produce the clerks certificate of his attendance. Treasurers duty in said counties.

Sec. 4. *And be it further enacted*, That it shall be the duty of the county treasurer of said counties, to make out and lay before the county court on or before their first meeting in each and every year, a full expose of the amount received by them To lay before county court an expose of amount received.

under this act, the payment made therefrom and the balance on hand, and for each failure so to do they shall forfeit and pay the sum of twenty dollars to be recovered before any justice of the peace to be applied to county purposes.

Repeal.

Sec. 5. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act are hereby repealed.

Approved, January 11, 1833.

[No. 18.]

AN ACT

To amend the different acts establishing a Land Office at Courtland.

Lands offered for sale for non-payment and not sold may be re-entered.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all cases where the register of the land office at Courtland, may have advertised or shall hereafter advertise lands for sale for non-payment of any of the instalments due thereon, and which were, or may not be sold for want of bidders or from any other cause, it shall be the duty of the said register, to permit the re-entry of such lands under the rules and regulations now prescribed by law, giving to the first purchaser of said land, or his assignee, or their heirs, for ninety days after such forfeiture, the pre-emption right to enter such lands, on payment of the money due thereon with all costs which may have accrued.

All acts relating to donated lands not in Aikin's Digest, in full force.

Sec. 2. *And be it further enacted*, That the repealing clause of the act, establishing Aikin's digest, shall not be so construed as to include the acts heretofore passed, for the sale and entry of lands at the land office at Courtland; but that the said acts relating to the said donation lands be, and the same shall be in full force, although not included in said digest.

Approved, January 11, 1834.

[No. 19.]

AN ACT

To amend an act, to regulate the weighing of Cotton in the City of Mobile and for other purposes.

Mayor and aldermen of Mobile may appoint cotton weighers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the mayor and aldermen of the city of Mobile, may appoint as many cotton weighers as they may deem necessary to accommodate the public interest, provided always, that each cotton weigher thus appointed, shall before he enters upon the duties of his office, take and subscribe before the mayor an oath, faithfully to discharge the duties of his office and enter into bond with one or more securities in the penal sum of five hundred dollars, conditioned for the faithful discharge of his duties as cotton weigher, payable to the mayor and aldermen and their successors in office.

Penalty for violating this act.

Sec. 2. *And be it further enacted*, That it shall not be lawful for any other person or persons to act as public weigher of

cotton in the city of Mobile; and any person violating the provisions of this act, shall be fined in a sum not exceeding fifty dollars for each and every offence, to be recovered before the mayor of said city, or any justice of the peace residing within the same; one half for the use of the informer and the other half for the benefit of the city hospital.

Approved, January 11, 1834.

[No. 20.]

AN ACT

To change the time of holding the County Court of Morgan County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the county court of Morgan county shall commence on the fourth Monday in January and July, in each and every year, instead of the times as now prescribed by law, and the said court may continue as long as the business may require.

Morgan county court when held.

Sec. 2. *And be it further enacted,* That all writs and other process, issued and made returnable to said court as now fixed by law, shall be returnable at the court as changed by this act in the same manner as if they had been so issued.

Process.

Approved, January 11, 1834.

[No. 21.]

AN ACT

To change the time of holding the County Courts of Dallas County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county courts of the county of Dallas shall hereafter commence and be holden on the fourth Mondays in February and August; and that all process, which may have issued to the terms of said court as heretofore appointed by law, shall be considered as returnable to the terms appointed by this act.

County court of Dallas when held.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Repeal.

Approved, January 13, 1834.

[No. 22.]

AN ACT

To permit the entry of certain lands therein named at the Land Office at Courtland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas H. Thatch, William Sandifer and Robert A. High, be and they are hereby appointed commissioners, whose duty it shall be after being duly sworn before some justice of the peace in Limestone county, to go on the south east quarter of Section fourteen in township five and range four west, and affix a value upon it, which valuation

Commissioners appointed to value a certain quarter section of land in Limestone county.

Proviso.

they shall return sealed up and certified by themselves, to the register of the land office at Courtland; upon which the said Register shall permit the entry of said land, under the same laws and regulations that now govern the entry of lands included in the donation, made by the general government for the improvement of the navigation of the Tennessee, &c.: *Provided*, said land has been selected as a part of the four hundred thousand acres, so donated.

Compensation for the services of said commissioners.

Sec. 2. *And be it further enacted*, That the commissioners, appointed by the first section of this act, shall each be entitled to demand and receive of the register of the land office, at Courtland, three dollars for the services required of them by this act, so soon as their certificate of valuation shall have been received by said register, to be paid out of the proceeds of the sale of said donated lands.

Approved, January 13th, 1834.

[No. 25.]

AN ACT

To amend the laws in relation to Constables.

Remedy against constables and their securities for failing to make money before return day.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever any constable, to whom an execution shall have been delivered, shall fail to make the money on or before the return day thereof, it shall be lawful for the plaintiff or plaintiffs, his or their agent or attorney, to notify said constable and his security or securities or any or either of them in writing, that he or they will on the day mentioned in said notice, (which shall in no case be less than five days from its service,) move the justice of the peace who issued any such execution for judgement against him or them for the amount of said execution and costs; and the said justice shall, on satisfactory proof being made that said notice has been served five days previous to the return day thereof, proceed to hear and determine said cause. And should it appear on trial, that the said money could have been made with due diligence, the said justice shall proceed to give judgement against said constable and his securities that may have been served with notice, for the amount of such execution and costs thereon; and issue execution for the same.

Repeal.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening this act be, and the same are hereby repealed, and this act shall be in force from and after the first day of March next: *Provided*, that nothing in this act shall be so construed as to prevent any person from moving against constables in the circuit or county courts as heretofore.

Proviso.

Approved, January 13, 1834.

[No. 24.]

AN ACT

To change the time of holding the county Courts in certain counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county courts, in the county of Pike, shall hereafter commence on the second Monday's in June and December; in the county of Barbour on the third Monday's in June and December, in the county of Henry on the fourth Monday's in June and December, and in the county of Dale on the first Monday after the fourth Monday's in June and December.

Pike county
court when
held.
Barbour.
Henry.
Dale.

Process.

Sec. 2. *And be it further enacted,* That all process now or hereafter made returnable to any of the county courts above mentioned, at the first term thereof by the existing laws, shall be returnable to the first courts as changed by this act, and shall be proceeded on as though made returnable thereto.

Sec. 3. *And be it further enacted,* That all laws, contravening the provisions of this act, be and the same are hereby repealed, provided that this act shall not have effect in the county of Barbour, before the first day of March next.

Approved, January 14th, 1834.

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[No. 25.]

AN ACT

To authorize the summoning of a Jury for the fourth and fifth weeks of the Circuit Court of Mobile county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the clerk of the circuit court of the county of Mobile, shall, when in his opinion the business of the court may require it, make out a *venire* for the fourth and fifth weeks of the court, and in such case the sheriff shall summon a jury for said weeks in manner hereafter prescribed by law.

Clerk of the
circuit court
of Mobile may
issue a venire
for 4th and 5th
weeks of said
court.

Sec. 2. *And be it further enacted,* That hereafter the presiding judge of said circuit court shall, at each and every term of the same, try causes in the following order, viz: first, appeals from justices of the peace; second, all civil causes upon the trial docket of said court shall be called and disposed of in regular order as they stand for trial: but the State docket shall be called and disposed of in regular order as they stand for trial: but the State docket shall be taken up on the first Monday of the second week of each term, and continued until the business thereon shall be disposed of, after which the residue of all civil causes on the trial docket of said court, shall be taken up, tried, dismissed or continued; then motions shall be heard and determined, and the term shall close with the trial of chancery causes: *Provided* that by agreement and consent of the judge, any case may be tried out of its order.

Causes in
what order
to be tried.

State docket.

Proviso.

Approved, January 14th, 1834.

To attach a part of the County of St. Clair to Jackson County.

Part of St. Clair attached to Jackson

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, all that part of St. Clair county, beginning due south of William Davis', at the present boundary line of Jackson and St. Clair counties, and running a straight direction to Raizen Rowling's, so as to include said Raizen Rowling's in Jackson county, thence due east to the State line of Georgia; thence along said line until it strikes the present boundary line of Jackson county, shall be and compose a part of the county of Jackson.

Repeal.

Sect. 2. *And be it further enacted,* That all laws contravening the provisions of this act be, and the same are hereby repealed.

Colonel of 63d Reg. to lay off into company beats the territory added to Jackson.

Sec. 3. *And be it further enacted,* That it shall be the duty of the colonel of the 63d regiment of Alabama militia, to lay off into one or more company beats according to the number of persons liable to do militia duty in the territory added to Jackson county by this act, which shall be added to and form a part of said regiment, and organize the same according to the existing laws; and when said company or companies are so organized, the captains or commanding officers of said company shall proceed to hold an election for justices of the peace and constables within said company or companies: *Provided,* that the said company or companies shall not be required to attend the regimental and battalion musters of the regiments to which they are attached by this act.

Justices to be elected. Proviso.

Approved, January 14, 1834.

To organize the Militia of certain Counties, therein named.

Regiments or organized.

Russell.

Macon.

Tallapoosa.

Coosa.

Chambers.

Talladega.

Randolph.

Benton.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the militia of the several counties, herein named, shall be organized in the following manner, to wit: the county of Russell, shall compose the sixty-fifth regiment; the county of Macon, the sixty-sixth regiment; the county of Tallapoosa, the sixty-seventh regiment; the county of Coosa, the sixty-eighth regiment; the county of Chambers, the sixty-ninth regiment; the county of Talladega, the seventieth regiment; the county of Randolph the seventy-first regiment; the county of Benton, the seventy-second regiment.

Brig. General

Sec. 2. *And be it further enacted,* That the brigadier

several counties, herein after attached to his brigade, for the election of a colonel, to command the several regiments, so formed and attached.

Sec. 3. *And be it further enacted*, That the colonel, commanding the several regiments, herein named, shall proceed forthwith to organize their several commands, in the following mannner, to wit: the colonel commanding, shall appoint two house holders, together with himself, who shall have power to divide said regiments into two battalions, as near equal in territory and population, as may be, and shall proceed to organize the battalions in each regiment, under the militia laws now in force, and the officers commanding battalions, shall proceed in like manner, to organize their respective commands.

Colonels to organize commands.

Sec. 4. *And be it further enacted*, That the several regiments herein named, shall form a part and be attached to the following brigades, to wit: the regiment, composed of the counties of Tallapoosa and Chambers, shall be attached to the fifteenth brigade; the regiments composed of the counties of Randolph, Talladega, Coosa and Benton, shall be attached to the third brigade.

Tallapoosa & Chambers attached to 15th Brigade.

Randolph, Tallapoosa, Coosa and Benton to 3d Brigade

Sec. 5. *And be it further enacted*, That the election of all officers, both military and civil, heretofore elected, and all official acts, in any of the counties mentioned by this act, be and the same are hereby legalized, and the governor is hereby authorized to commission them in the same manner, as though they had been elected under the provisions of this act.

Certain elections legalized

Sec. 6. *And be it further enacted*, That the sixty-first regiment, in the county of Russell, and the sixty-sixth regiment in the county of Macon, shall be attached to the thirteenth brigade; the sixtieth regiment, in the county of Covington, to the eighth brigade; the forty-ninth regiment, in the county of Barbour, to the eleventh brigade, and all that part of the Cherokee Nation, attached to the county of St. Clair, be constituted a regiment, to be known, as the seventy-fourth regiment of the seventh division of Alabama militia.

Russell & Macon attached 13th Brigade.

Covington to 8th Brigade.

Part of the Cherokee nation attached to 7th Division.

Sec. 7. *And be it further enacted*, That all acts, and parts of acts, contravening the provisions of this act, be the same are hereby repealed.

Repealed

Approved, January 15, 1834.

[No. 28.]

AN ACT

To change the time of holding the County Courts of Autauga County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

for the trial of all civil causes, shall be holden on the third Mondays in February and August, in each and every year; and to continue in session six judicial days, should the business of said courts require the same: provided, however, that this act shall not be so construed as to take effect until after the next term of the county court to be holden in February next.

Approved, January 16, 1834.

[No. 29.]

AN ACT.

To provide a more summary mode of collecting money from Clerks.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the clerk of the county

Clerks of the county courts to report all licenses granted to county Treasurer.

court, in each county, to render on or before the first Monday in November, in each year to the county treasurer of his county a report on oath in writing of all the licenses granted by the county court together with all the licenses that he may have issued to hawkers and pedlars from which any revenue may have accrued to the county from the time of giving in the same the preceeding year.

Of circuit courts to report to county Treasurer.

Sec. 2. *And be it further enacted,* That it shall, in like manner, be the duty of the clerk of the circuit court in each county to render to the county treasurer of his county on or before the first Monday in each and every year, a report on oath in writing of all money which he may have collected by virtue of his office and which is due to his county.

Penalty.

Sec. 3. *And be it further enacted,* That if any clerk shall fail or neglect to make such report to the county treasurer of his county on or before the first Monday in November in each and every year, he shall forfeit and pay the sum of five hundred dollars to be recovered on motion of the county treasurer to the county or circuit court on giving to the clerk one days notice of such motion and the court shall render judgment against the clerk and his securities or any or either of them.

Penalty for refusing to pay over money.

Sec. 4. *And be it further enacted,* That should any clerk neglect or refuse to pay to the county treasurer of his county the amount of money so reported by him to be due to his said county, it shall be the duty of the county treasurer to proceed against such clerk by motion in the county or circuit court as prescribed in the third section of this act, and the court shall render judgment against the clerk and his security or any or either of them, for the amount of money reported to be due to the county together with ten per centum upon the amount as damages.

Remedy against clerks.

Sec. 5. *And be it further enacted.* That in all cases where money shall be paid to the clerk of any court the party, entitled to receive it, shall have the same remedy for its recovery and

the same damages for its detention as are now provided and allowed by law for money paid to clerks on execution, and it is hereby expressly made the duty of all clerks to receive and account for all such sums of money, as may be paid to them by either party as well after as before the issuance of execution.

Sec. 6. *And be it further enacted*, That all laws, contravening the provisions of this act, be and the same are hereby repealed; *provided*, always that no judgment shall be rendered against any security or securities of a clerk as contemplated and provided for by this act, unless one day's previous notice be given to such security or securities, that a motion will be made for that purpose.

Approved January, 16, 1834.

(No. 30.)

AN ACT.

To authorize the President of the Senate and Speaker of the House of Representatives, to issue certificates of election to the President and Directors of the Bank of the State of Alabama and the several branches thereof.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act it shall be made the duty of the President of the senate, and speaker of the House of Representatives, to cause a correct list, of such person or persons as may be elected, by a joint vote of both Houses of the General Assembly, as President and Directors of the Bank of the State of Alabama or any branch thereof, and shall certify the same to be duly elected, and sign their names officially thereto and cause the same to be attested by the secretary of the senate and clerk of the House of representatives, transmitted to the cashier of the proper bank.

President of the Senate & Speaker of H. of Reps. to issue certificates of election to the President and Directors of the State Bank & its branches.

Sec. 2. *And be it further enacted*, That it shall be the duty of the cashier of said Bank upon the receipt of such certificate, immediately to issue notice to each person so elected, and shall request said persons to attend at a stated hour at the banking house for the purpose of organization as a board, and take the necessary oaths of office.

Cashier to issue notice.

Approved, January 16, 1834.

[No. 31.]

AN ACT.

To apportion the Representatives among the several Counties in this State and to divide the State into Senatorial Districts according the late census.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the representatives of the several counties shall be apportioned at a ratio of twenty-four hundred and eighty white inhabitants to a representative, and shall be apportioned among the several counties in the following manner to wit: to the county of Jackson, six representatives; to the county of Madison, five representatives; to the county of Limestone, three

Ratio

Apportionment of representatives to the several counties.

representative of the county of Lauderdale, four representatives; to the county of Franklin, two representatives; to the county of Lawrence, four representatives; to the county of Morgan, three representatives; to the county of Blount, two representatives; to the county of Walker, one representative; to the county of Marion, one representative; to the county of Fayette, two representatives; to the county of Jefferson, two representatives; to the county of Tuscaloosa, four representatives; to the county of Pickens, three representatives; to the county of Sumpter, one representative; to the county of Greene, three representatives; to the county of Perry, three representatives; to the county of Bibb, two representatives; to the county of St. Clair, two representatives; to the county of Dallas, three representatives; to the county of Marengo, two representatives; to the county of Wilcox, two representatives; to the county of Lowndes, three representatives; to the county of Montgomery, three representatives; to the county of Monroe, two representatives; to the county of Clarke, one representative; to the county of Washington, one representative; to the county of Mobile, two representatives; to the county of Baldwin, one representative; to the county of Conecuh, one representative; to the county of Butler, two representatives; to the counties of Covington and Dale, one representative; to the county of Henry, two representatives; to the county of Pike, one representative and the counties of Macon and Tallapoosa, one representative; to the county of Barbour, one representative; and to the counties of Russell and Chambers, one representative; to the county of Autauga, three representatives; to the county of Benton, one representative; to the counties of Talladega and Randolph, one representative; to the counties of Shelby and Coosa, two representatives.

Apportion-
ment of Sena-
tors.

Sec. 2. *And be it further enacted*, That the counties of Jackson, Madison, Limestone, Lauderdale, Franklin, Lawrence, Morgan, Pickens, Tuscaloosa, Greene, Perry, Bibb, Blount, St. Clair, Autauga, Dallas, Lowndes, Montgomery and Wilcox, shall each form a senatorial district; Marion and Fayette, one; Walker and Jefferson, one; Marengo and Sumter, one; Clarke and Monroe, one; Mobile, Baldwin and Washington, one; Conecuh and Butler, one; Covington, Dale and Henry, one; Pike, Macon and Tallapoosa, one; Barbour, Russell, and Chambers, one; Shelby and Coosa, one; Benton, Talladega, and Randolph, one.

Returning of-
ficers.

Sec. 3. *And be it further enacted*, That the sheriffs of the counties of Fayette, Jefferson, Marengo, Monroe, Mobile, Butler, Henry, Pike, Barbour, Shelby and Talladega, shall be the returning officers of their respective districts, and the sheriffs

of the other counties of said districts shall make returns to said returning officers within ten days after each senatorial election.

Approved, January 16, 1834.

No. 32.]

AN ACT

Making it the duty of the Commissioners of Roads and Revenue of certain counties therein named, to select one quarter section of land for the use of said counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of roads and revenue in the counties of Barbour, Russell, Chambers, Macon, Tallapoosa, Coosa, Talladega, Benton, Randolph and Sumpter, be and they are hereby appointed agents to select one quarter section of land within and for the said counties, in pursuance to an act of Congress, passed on the twenty-sixth of May, 1824, granting to the counties and parishes of each State and Territories in the United States, where the public lands are situated, pre-emption rights to one quarter section of land, in trust for the said counties and parishes respectively, for the establishment of seats of justice therein.

Commissioners of Roads and Revenue for Barbour, Russell Chambers, Macon, Tallapoosa, Coosa, Talladega, Benton, Randolph and Sumpter to select qr. sections of land for seats of justice.

Sec. 2. *And be it further enacted,* That the said commissioners, or a majority of them, shall so soon as they obtain legal titles to the said quarter section of land, proceed to offer for sale the same in such manner as they may think advisable, and best calculated to promote the true interest of said counties, and shall be and they are hereby authorized and empowered to make titles to the same.

To offer quarter section for sale.

Sec. 3. *And be it further enacted,* That the said commissioners or a majority of them, be and they are hereby authorized to procure by loan or otherwise, the amount of money necessary to pay for and obtain titles to the said quarter section of land and they are hereby authorized to retain so much of the money arising from the sale of the said land as may be sufficient to discharge the principal and interest of the amount procured by said commissioners.

To procure money to obtain titles.

Sec. 4. *And be it further enacted,* That the said commissioners shall be required to pay into the county treasury all monies arising from the sales of said lands, after retaining the purchase money aforesaid, to be applied to the use of erecting the public buildings in the respective counties, before mentioned, except the county of Barbour, in which case it shall be the duty of said commissioners to pay the proceeds as above provided for, over to the commissioners appointed under an act of the legislature, and authorize to contract for the building of a court house and jail in said county, whose duty it shall be to apply it in like manner as other monies raised for the same pur-

To pay all money into the county treasury, except Barbour.

Their duty.

pose, and to keep a fair shewing of all sums received and expended as provided for by this act.

To make selections as soon as possible. Sec. 5. *And be it further enacted*, That it shall be the duty of said commissioners to make the selections herein contemplated as soon as practicable, and obtain titles to the same in conformity to the act of congress aforesaid.

If Irwinton, improvements to be valued. Sec. 6. *And be it further enacted*, That should the selection in the county of Barbour be made, so as to include the town of Irwinton or any part thereof, then and in that case it shall be the duty of said commissioners or a majority of them to affix a fair and intrinsic valuation upon all improvements that may be situated upon any of the lots in said town.

What value to be fixed upon improved lots. Sec. 7. *And be it further enacted*, That it shall be the duty of said commissioners to affix a valuation of fifty dollars upon each and every lot in said town, upon which there is an improvement, and then set all the lots up at public sale to the

Lots to be set up to highest bidder. highest bidder, and in case the claimants for such lots should not become the purchasers thereof, then and in that case it shall be the duty of said commissioners to pay all money arising from such sale, over the sum of fifty dollars, to such claimants as above described; said sum does not exceed the amount of valuation on said lots, and property; and in case of such excess, it shall be the duty of said commissioners to pay the same over to the commissioners appointed under a former act, to contract for the building of the court house and jail in said county of Barbour.

Compensation to commissioners. Sec. 8. *And be it further enacted*, That the said commissioners shall be entitled to receive as compensation for their services in selecting and selling the said quarter sections of lands five per centum upon the whole amount of sales.

Oath of Commissioners. Sec. 9. *And be it further enacted*, That the said commissioners shall take and subscribe the following oath before they enter on the discharge of their duties as prescribed by this act. That you and each of you do solemnly swear (or affirm as the case may be) that you will faithfully discharge all the duties herein assigned you, to the best of your ability, so help you God. Which oath shall be filed in the clerk's office of the county courts of the respective counties named in this act:

When there are no com'rs. Judge county court to perform the duties. *Provided*, that should there not be any commissioners of roads and revenue in any of the above named counties, it shall be the duty of the judge of the county court to perform all the duties required in this act of the commissioners

Approved, January 16, 1834.

[No. 33.]

AN ACT

To change the time of holding the Circuit Courts of the second Judicial Circuit
Section 1. *Be it enacted by the Senate and House of Re-*

representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, the circuit court in the second judicial circuit shall be held in the county of Wilcox, on the fourth Monday in March and September, and shall continue in session for two weeks, unless the business shall be sooner disposed of; of Lowndes, to commence on the second Monday after the fourth Monday in March and September, and continue in session one week; of Autauga, to commence on the third Monday after the fourth Monday in March and September and continue in session one week; of Bibb, to commence on the fourth Monday in March and September and continue in session one week; of the county of Perry, to commence on the fifth Monday after the fourth Monday in March and September and continue in session one week; of the county of Dallas, to commence on the sixth Monday after the fourth Monday in March and September and continue in session until all the business of said terms shall be disposed of. ¶

Second Circuit. Courts when held in Wilcox.

Lowndes.

Autauga.

Bibb.

Perry.

Dallas.

Sec. 2. *Be it further enacted,* That all writs, recognizances and subpoenas, and process of every description, civil and criminal, now or hereafter made returnable to any of the above courts, as now established by law, shall be deemed and taken to be returnable to the several courts as hereby established.

Process.

Sec. 3. *And be it further enacted,* That all laws, contravening the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved, January 16, 1834.

[No. 34.]

AN ACT

To amend the Charters of the Branches of the Bank of the State of Alabama, at Decatur and Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in addition to the powers heretofore granted said banks, the president and directors shall have power to discount notes that have from six to nine months to run, at a rate of interest not to exceed seven per cent per annum, and all notes, that have from nine to twelve months to run, may in like manner be discounted at a rate of interest not to exceed eight per cent per annum.

Rate of interest upon certain discounts of the Branches at Montgomery and Decatur.

Sec. 2. *And be it further enacted,* That the sum of four thousand and fifty-one dollars and fifteen cents be appropriated out of the funds of the branch bank at Montgomery, and the sum of three thousand dollars be appropriated out of the funds of the branch bank at Decatur, to complete the payments that may be due for the erection of the banking houses

Appropriations for Banking houses at Montgomery and Decatur.

at Montgomery and Decatur, and any balance that may be due on the purchase of the lots for the erection of the same.

Approved, 16th January, 1834.

[No. 35.]

AN ACT

To amend the Charter of the Branch of the Bank of the State of Alabama at Mobile, and also that of the Bank of Mobile,

Repeal of
part of 3d sec-
tion of Bank
charter.

Repeal of part
of 9th section
of the Mobile
Bank charter

Notes or bills
recoverable,
but demand
to be made
where made
payable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the third section of an act entitled an act to establish a branch of the bank of the State of Alabama at Mobile, approved 4th December, 1832, as prohibits the president and directors from discounting any note, bill or bond, unless it be made negotiable and payable in said bank, and so much of the last proviso in the ninth section of an act entitled an act to establish a bank in the town of Mobile, passed November 20th, 1818, as prescribes, that no note, bill or bond shall be negotiable at said bank, unless it shall be so expressed on the face of said note, bill or bond, be and the same are hereby repealed.

Sec. 2. *And be it further enacted,* That if any person or persons shall be indebted to either of said banks as maker or endorser on any note, bill or bond expressly made negotiable and payable at any bank within the city of Mobile, and shall delay payment thereof, it shall be lawful for either of the aforesaid banks which may be the *bona-fide* owner of any such note, bill or bond, to recover judgment on the same in the manner and form now provided for in the respective charters of said banks, any law or usage to the contrary notwithstanding: *Provided,* That any such note, bill or bond shall not be protested for non-payment, until it shall have been presented to the bank for payment, where it is expressly made payable.

Approved, January 16, 1834.

[No. 36.]

AN ACT

To increase the Capital Stock of the Bank of Mobile, and to extend the Charter, and supplemental to the act, entitled an act, to establish a Bank in the town of Mobile; passed 20th November, 1818.

Capital stock.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the amount of capital stock of the Bank of Mobile, as was limited and established by the first section of an act, to be entitled an act, to establish a bank in the town of Mobile, passed 20th November, 1818, and which declares that it shall not exceed the sum of five hundred thousand dollars, divided into five thousand shares, of one hundred dollars each, shall, from and after the passage of this act, be increased to one million five hundred thousand dollars, divided into fifteen

thousand shares of one hundred dollars each, two fifth parts whereof shall be reserved for the State of Alabama.

Sec. 2. *And be it further enacted*, That for the purpose of raising the amount of said increased capital stock of the said bank, books of subscription shall be opened in the city of Mobile on the first Monday of May next, under the superintendence of three commissioners, to be appointed by the Governor of this State, and shall remain open at least thirty days; and until the sum of two hundred thousand dollars shall be subscribed; *provided* always, that the president and directors shall have power at all times thereafter, by giving at least sixty days notice in any newspaper printed in said city, to open subscriptions for stock, until the whole capital of one million five hundred thousand dollars shall be subscribed, excluding therefrom the said two fifth parts thereof reserved to the State as aforesaid. *And provided also* that no person, co-partnership, or body corporate, shall subscribe for more than thirty shares within the first six days after the subscription shall at any time be opened, and the said directors or superintendants are hereby authorized and required to administer an oath, to any, and every person subscribing, that he, she or they, have not subscribed, and are not directly, or indirectly, subscribing for a greater number of shares within the aforesaid time than is hereby limited. *And provided further*, That books shall be opened at the towns of Florence, Montgomery, Tuscaloosa, and at the town of Huntsville, on the first Monday in May next, and continue open one month, and no longer, under the superintendence of three commissioners, at each place to be appointed by the Governor, to open books of subscription for one hundred thousand dollars at each place, in any sums that those desiring to subscribe may apply for. The subscribers to said stock at Huntsville, Montgomery, Florence and Tuscaloosa, are hereby required to pay one fourth part thereof, at the time of subscribing, and all other and further payments shall be made at Mobile, as provided for in the 3rd section of this act; *provided further*, that the said commissioners shall with as little delay as practicable, forward said books and money to the president and directors of the bank at Mobile.

Two fifths reserved.

Subscriptions opened in Mobile.

Governor to appoint commissioners.

Proviso.

Shares limited.

Subscriptions to be opened in Florence, Montgomery, Tuscaloosa & Huntsville.

Commissioners to forward books to President and Directors.

Sec. 3. *And be it further enacted*, That the payment of the said subscription shall be made and completed by the subscribers, at the times and in the manner following, to wit: one fourth part thereof at the time of subscription; one fourth part thereof in three months thereafter, and the remaining half in two equal instalments, at nine months, and twelve months thereafter.

Shares how paid.

Sec. 4. *And be it further enacted*, That the term and

Charter extended.

Name.

period of time of the present charter of the bank of Mobile, aforesaid, which by its own limitation will expire on the first day of January, 1839, shall hereby be extended: and the subscribers to said bank, their successors and assigns, shall continue to exist and remain, from and after the termination of the time of their present charter of incorporation, by the name and style of the President and Directors and Company of the Bank of Mobile; and shall continue until the first day of January, 1859, with all the powers, rights, privileges and immunities, accorded and extended to them by the provisions of the fourth section of the said entitled act, to establish a bank in the town of Mobile, and subject to all the prohibitions and restrictions contained in the provisions of the said last mentioned section of the said act.

Sec. 5. *And be it further enacted*, That for the better management, government and direction of the affairs of said corporation during the period of time the extension and prolongation of the said charter, as aforesaid; all and singular the provisions of the said entitled act, to establish a bank in the town of Mobile, passed November 20th, 1818, so far as the same may be applicable, which are not repugnant to, or which may not conflict with the provisions or subsequent sections of this act, shall be and they are hereby expressly declared, to be and remain in full force and effect in the same manner as if incorporated in direct and express language, herein.

Rate of interest?

Sec. 6. *And be it further enacted*, That the said corporation shall not hereafter take, or receive more than at the rate of the following per centum per annum, for or upon its loans or discounts, that is to say: upon promissory notes discounted by the said bank of Mobile, made negotiable and payable at any bank within the city of Mobile, and not having more than six months to run at a rate of interest not to exceed six per centum per annum, and upon promissory notes made negotiable as aforesaid and payable after six, and not having more than nine months to run, at a rate of interest not to exceed seven per centum per annum, and upon all notes made negotiable and payable as aforesaid, and payable after nine months, and not exceeding twelve months, at a rate of interest not exceeding eight per centum per annum.

Governor to appoint commissioners to examine Bank

Sec. 7. *And be it further enacted*, That it shall and may be lawful, for the governor of this State to appoint, annually, three commissioners, for the examination of said bank, who shall within two months immediately preceding the annual meeting of the legislature, proceed to the said bank, and there examine all books, papers and accounts in the said bank, that the said commissioners or a majority of them may think proper

and material for the better understanding of the condition of the said bank, and also the cash on hand.

Sec. 8. *And be it further enacted*, That it shall be the duty of the president and directors, and all officers of said bank, to furnish said commissioners when examining the affairs of said bank information, and they shall moreover be bound to answer any interrogatory put to them by the said commissioners, which may be deemed material to the subject matter of their investigation.

Sec. 9. *And be it further enacted*, That the commissioners may select their own time for the examination of said bank, and they shall report to the legislature any violations of said charter: and they shall receive for their services five dollars for each any every day they may be engaged in such examination, and to be paid by said bank upon the certificate of the president thereof, stating the time served by each commissioner respectively.

Sec. 10. *And be it further enacted*, That the Governor, comptroller, treasurer of the State and president of the bank of the State of Alabama, whenever authorized so to do by law, shall have power to issue certificates of State stock, for the two fifths of the capital stock hereby reserved, bearing an annual interest not to exceed five per cent per annum, made payable to the president, directors, & co. of the bank of Mobile and their assigns, redeemable at the expiration of said charter, and whenever said certificates of State stock shall be issued; the Governor shall have power to appoint directors as is expressed in the 12th section of the act incorporating the subscribers to the bank of Mobile, to which this is supplemental.

Sec. 11. *And be it further enacted*, That in consideration of the powers, privileges and extension of said charter, and in lieu of all taxes for the period of twenty years, from and after the first of January 1839—the president, directors & Co. shall pay a bonus of one hundred thousand dollars into the treasury of the State of Alabama, which bonus shall be paid in equal annual instalments, on the first day of January in each and every year, during the continuance of said charter.

Sec. 12. *And be it further enacted*, That all acts and parts of acts, so far only, as the same shall or may conflict with the provisions of this act be, and the same are hereby repealed.

Approved, January 16th, 1834.

[No. 37.]

AN ACT

To ratify and confirm the acts of the Commissioners of the 16th section, 6th range and township 7.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assem-*

bly convened. That the acts of the Commissioners of the 16th section in township 7, and range 6, west of the basis meridian of Huntsville, in selling forty acres of said section in town lots, be and they are hereby ratified and confirmed.

Approved, January 16, 1834.

[No. 38.]

AN ACT

Making it the duty of the Sheriff, Coroner or other Officers holding the election of the different Counties in this State, to take the sense of the people in relation to the expediency of establishing a Penitentiary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the sheriff, coroners or other officers holding the election in the different counties in this State, to advertise at the time they advertise for the election of members of the general assembly, that at said election, they will take the sense of the voters of said county, as to the expediency of establishing a penitentiary.

Sheriff and other officers holding general election to take votes as to a penitentiary.

Note.

Sec. 2. *And be it further enacted,* That at said election, it shall be the duty of the several sheriffs, coroners or other officers, holding the election of their different counties, to put the question to each voter: *are you in favor of a penitentiary?* and the said sheriff, coroner or other officer shall cause a fair registration of the answers of the electors, to be made by the clerk of the election, stating how many votes are in favor and how many against the expediency of establishing a penitentiary.

Penalty for refusing.

Sec. 3. *And be it further enacted,* That if any sheriff, coroner or other officer shall fail or refuse to perform the duties required of them by this act, he shall forfeit and pay into the treasury of the State, the sum of two hundred dollars; and on their failure so to do, it shall be the duty of the solicitor of the circuit, to institute suit against said sheriff, coroner or other officer, in the name of the treasurer of the State; and if the failure to perform the duties prescribed by this act as established, it shall be the duty of the circuit court of the proper counties, to give judgment against said sheriff, coroner or other officer holding the election, or their securities for the penalty aforesaid, on which execution may issue.

Returns to be made to Secretary of State.

Sec. 4. *And be it further enacted,* That it shall be the duty of said sheriff, coroner or other officer holding the election, within sixty days after the election, to make out a fair statement of the votes of their counties and send the same by mail, certified under their hands and seals, directed to the secretary of State, and the receipt of the post-master, at the court-house of the county, shall be evidence that said returns have been forwarded.

Approved, January 17, 1834,

[No. 39.]

AN ACT

To amend the Charters of the several Branch Banks in this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, it shall be the duty of the president and directors of the several branch banks belonging to this State, to cause statements to be made out of all persons indebted to the same by bill of exchange or notes, noting particularly, those under protest and in suit, and arranging the names under the head of the counties in which the parties reside; also the date of their notes and bills of exchange and the time that suit was commenced, and transmit the same during the first week of the session, to the president of the State Bank, to be laid before the joint examining committee, whose duty it shall be to cause the members from the respective counties to examine and report on the same.

President and Directors of the several Branches to have a statement made out of all persons indebted and forward it to President of the State Bank.

Approved, January 17, 1834.

[No. 40.]

AN ACT

Supplementary to an act, passed at the present Session of the General Assembly, entitled an act, to apportion the Representatives among the several Counties in this State, and to divide the State into Senatorial Districts, according to the late Census.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama in General Assembly convened,* That the sheriff's of the counties of Dale, Macon, Shelby, Talladega and Russell, shall be the returning officers of their respective representative districts, and that the sheriffs of the other counties of the said districts shall make returns to said returning officers within ten days after each election for representatives in said districts.

Returning officers.

Approved, January 17, 1834.

[No. 41.]

AN ACT

To prevent the introduction and sale of Lottery Tickets in this State.

Section. 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That no person or persons, shall hereafter exhibit and offer for sale, any lottery ticket within this State, unless authorized by law of this State; and if any person or persons, either by themselves or their agents, shall exhibit and offer for sale any lottery ticket, contrary to the provisions of this act, each person concerned therein, shall forfeit and pay the sum of five hundred dollars, to be recovered by indictment in the circuit court.

Penalty for offering lottery tickets for sale.

Sec. 2. *And be it further enacted,* That if any justice of the peace, on his own view of the offence, or by information, on oath of one or more creditable witness or witnesses, shall be satisfied that any person or persons, are exhibiting and offering for sale any lottery ticket or tickets, within his said county,

Justices of the Peace to issue warrant against persons offering tickets.

contrary to the provisions of this act, he is authorized and required to issue his warrant against any such person or persons, and have him her or them brought before him; and shall compel any and every person or persons, concerned therein, to enter into a recognizance in the sum of one thousand dollars, with two good and sufficient securities, to appear at the next circuit court, to be holden in and for his said county, to answer such charges, and in case any person taken up, as aforesaid, shall fail to give security required by this act, he shall be committed to jail.

Repeal.

When to take effect.

Sec. 3. *And be it further enacted*, That all acts, contravening the provisions of this act be, and the same are hereby repealed: *Provided*, this act shall not be in force, until from and after the first day of March 1834.

Approved, January 17th, 1834.

[No. 42.]

AN ACT

To extend to the Warrior Guards, certain privileges granted to the Cahawba Guards, by an act passed 28th December, 1831.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the seventh section of the act to incorporate the Cahawba guards, passed the 28th of December, 1831, be and the same is hereby extended to the Warrior guards.

Approved, January 17, 1834.

[No. 43.]

AN ACT

To define, and mark the line between the Counties of Greene and Pickens.

County surveyors of Greene and Pickens to mark the line.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county surveyors, for the counties of Greene and Pickens, be and they are hereby appointed and authorized to run, define and mark the line between the counties aforesaid; commencing at the corner of the counties of Tuscaloosa, Greene and Pickens, thence north along or parallel with the lines of the old surveyors, two hundred and twenty yards; thence west parallel with the township line, dividing townships 23 and 24 to the Sipsy river.

Notice to be given.

In case either should fail to attend.

Sec. 2. *And be it further enacted*, That it shall be the duty of the county surveyor of the county of Greene, to give at least twenty days notice to the county surveyor of the county of Pickens, of the time and place of beginning, and in case of the failure of either one to attend at said appointed time and place, the one in attendance may proceed to define the said line in the manner herein before directed.

Pay to chain carriers.

Sec. 3. *And be it further enacted*, That the chain carriers and marker shall be and they are hereby allowed one dollar and fifty cents per day each; to be paid jointly by each county out

of any monies in their respective county treasuries not otherwise appropriated. upon producing their certificate of the surveyor or surveyors.

Approved, January 17th, 1834.

[No. 44.]

AN ACT

To authorize the Judges of the County Courts to Emancipate Slaves.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That whenever the owner or owners of any slave or slaves shall be desirous of emancipating such slave or slaves, such owner or owners shall make publication in some newspaper, printed within the county where such slave or slaves reside, (or if there be no paper printed in said county, then in the nearest paper thereto,) for at least sixty days previously to the making application; in which, shall be set forth the time and place that such application will be made, together with the names and description of the slave or slaves sought to be emancipated; and at the time appointed, the judge of the said county court may, upon petition filed, proceed to hear and determine upon the application so made, and if, in his opinion, the said slaves should be emancipated, in consideration of long, faithful and meritorious services performed, or for other good and sufficient cause shewn, the said judge may proceed to emancipate and set free such slave or slaves; and the clerk of the said court shall make record of the same in a book to be kept by him for that purpose: *Provided,* that such slave or slaves shall remove without the limits of this State, within twelve months after such emancipation never more to return; and that such emancipation shall not take effect until after such removal.

Master of slave to make publication before application to county court.

Judge may emancipate.

Proviso.

Sec. 2. *And be it further enacted,* That if the said slave or slaves shall return within the limits of this State, after such removal and emancipation, he, she or they shall be subject to be apprehended by the sheriff of the county within which the same may be found and imprisoned; and after having advertised the same for at least thirty days; may be sold to the best bidder for cash, as slaves for life: and the proceeds of such sale, after paying all expences, shall be paid into the county treasury for the use of said county.

Penalty of slave for returning.

Sec. 3. *And be it further enacted,* That it shall be the duty of all sheriffs, constables and patrols to apprehend slaves who shall return within the limits of the State, after having been so emancipated and removed, and bring them before some justice of the peace, who shall commit them; and the same compensation shall be allowed in such cases as is for apprehending runaway slaves.

Sheriffs and other officers to apprehend returning slave.

Sec. 4. *And be it further enacted,* That nothing in this Rights of cre-

act contained, shall be so construed as to prejudice the rights of the creditors of the owner or owners of slaves so emancipated.

Approved, January 17, 1834.

[No. 45.]

AN ACT.

To repeal in part an act entitled an act, to regulate the rate of interest, passed December 17, 1819.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Contracts for more than 8 per centum, void for the interest only.

convened, That all contracts whatsoever, which may hereafter be made, to take directly or indirectly for the loan of any money, wares, merchandise, bonds, notes of hand or other commodities whatsoever, above the value of eight dollars, for the forbearance of one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time, and all bonds, contracts, covenants, conveyances or assurance, hereafter to be made for payment or delivery of any money, goods, wares or merchandise so to be lent, or which a higher rate of interest is received or taken, shall be void and of no effect for the whole interest only, but the principal sum of money or the value of the wares, merchandise, bonds, notes of hand, or other commodities whatsoever, shall be recoverable upon all the bonds, contracts, covenants, conveyances or assurances aforesaid.

Sec. 2. *And be it further enacted*, That the second section of the act against usury above named, and every other part of said act not contrary to the first section of this act, shall be and remain in full force.

Approved, January 17, 1834.

[No. 46]

AN ACT.

For the temporary relief of certain persons, indebted to the Bank of the State of Alabama.

WHEREAS, certain persons citizens of this State, employed one Erasmus Walker, as their agent in the transaction of business with the bank of the State of Alabama at Tuscaloosa; the said Walker received considerable sums of money as agent, and appropriated the same to his own use; the said agent is wholly unable to refund the said money; the persons for whose benefit the money was intended never discovered the bad faith with which their agent had acted, until it was too late to avoid the consequences of their misplaced confidence. For remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Extending the time of payment of certain debts to the Bank of the State of Alabama.

convened, That the president and directors of the bank of the State of Alabama, be and they are hereby required to extend the time of payment of the several debts due to said bank from persons who never received the money to which they were entitled, in consequence of Erasmus Walker having received the same as agent, and applied it to his own use.

Sec. 2. *And be it further enacted*, That the payment of the several debts mentioned in the first section of this act, shall be made in four annual instalments from the first day of January 1834; *Provided*, that the said debtors shall execute their several notes with security payable to the president and directors of the bank, and to be approved by them, which notes shall carry interest from their date, and shall be collected in the same manner as other notes due to the bank of the State of Alabama.

Payment to be made in four annual instalments.

Sec. 3. *And be it further enacted*, That the provisions of the act shall extend to Jacob Vanzant and Samuel Roman, upon their complying with the requisitions of the second section of this act.

Extending the provisions of this act to certain persons therein named.

Sec. 4. *And be it further enacted*, That any person who has or may hereafter advertise himself as an agent to transact business in the bank of the State, or any of its branches, shall apply any money to his own use that he may receive as such agent, shall thereafter be incompetent to hold any office of profit or trust in this State, and shall moreover be subject, to twelve months imprisonment in the common jail of the county in which the offence may be committed, without bail or mainprize.

Penalty against defaulting Bank agent.

Approved, January 17th, 1834.

No. 47.]

AN ACT

For the relief of the purchasers of the University Lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Isaac Lane, Jacob R. Swope, Ruffin Coleman, John Chisholm, Robert Beatty or a majority of them, be and they are hereby appointed commissioners, to value the lands of the university which have heretofore been sold at seventeen dollars and upwards, and which have been declared forfeited under the decision of the supreme court of this State, *provided*, that none of the lands, which have heretofore been sold in tracts less than one fourth quarter section, shall be subject to valuation under this act.

Commissioners appointed.

Sec. 2. *And be it further enacted*, That before entering on the duties to be performed under this act, the said commissioners shall take and subscribe an oath, to assess the value of said lands at their true cash value, at the time of their valuation according to their best judgement, *provided* that the said lands or any part thereof, shall not be valued at a less price than eight dollars per acre. And the said commissioners shall receive three dollars per day, and at that rate as compensation for their services whilst engaged in valuing said lands, to be paid out of the University fund.

Oath of Commissioners.

Not to be valued at less than \$8 per acre. Compensation.

Sec. 3. *And be it further enacted*, That said commissioners

Valuation to be returned to the agent shall proceed as soon as practicable to the valuation of said lands, and return the same to the agent of the University residing nearest to the county in which said lands lie, and which shall be done on or before the first day of April next, and upon the receipt of said valuation, the said agent shall give notice thereof in the nearest public newspaper, for one month, of said valuation, and of his readiness to issue certificates under the provisions of this act.

Improvements not to be taken into consideration. Sec. 4. *And be it further enacted*, That in assessing the value of said lands, the said commissioners shall not take into consideration any improvements that have been put upon the same.

Holders of certificates to have pre-emption on paying one fourth of valuation of purchase at the time. Sec. 5. *And be it further enacted*, That whenever such valuation shall have been made, and notice thereof given as provided for in this act, the holders of the certificates of the tracts of land so forfeited and valued as aforesaid shall be entitled to have said land, upon their paying to the University of the State of Alabama the price affixed to said tracts respectively in the following manner, to wit: the purchaser shall pay one fourth part of the price at which the land is valued, at the time of closing the contract, with the agent of the University, the residue shall be divided into three equal annual instalments, to be secured by note, with two good securities to be approved by said agent, bearing interest at the rate of six per cent per annum, from their date, and payable and negotiable at the bank of the State of Alabama.

Residue on 3 annual instalments, bond with security to be given. Sec. 6. *And be it further enacted*, That in all cases where the holders of said certificates of any of said lands have heretofore paid one half of the principal on said purchase heretofore made, they shall be permitted to take a lease on said tracts as heretofore provided by law.

Granting leases as heretofore provided. Sec. 7. *And be it further enacted*, That it shall be the duty of said agent of the University to carry the requisitions of this act into effect as soon as possible; he shall issue certificates of the entry of said lands under this act, and upon the payment of the whole purchase money procure good and sufficient titles to the same.

Duty of agent. Sec. 8. *And be it further enacted*, That if any of said Lands not taken by persons entitled to pre-emption to be offered for sale by agent. lands are not taken by the persons entitled to purchase the same, under the provisions of this act, within sixty days after the notice required to be given by the agent of the University by the third section of this act, it shall be the duty of said agent to offer the same for sale in such manner as he may think most to the interest of the University, and the valuation of said lands by the commissioners aforesaid shall be the minimum price thereof, and if sales of the same shall be effected by said agent,

payment thereof shall be made in the same manner as is prescribed by this act for holders of original certificates.

Sec. 9. *And be it further enacted*, That all laws, and parts of laws, contrary to the provisions of this act, are hereby repealed.

Approved, January 17, 1834.

[No. 48.]

AN ACT

To amend the Road Laws.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the public roads in this State recognised to be such by the county courts respectively, by their laying them off into precincts and grades, shall be sufficient evidence of their being public highways. Evidence of public highway.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerks of the county courts, within ten days after the appointment of overseers of roads by the county court to deliver to the sheriff a copy of the order, and should they fail or neglect so to do, they shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered on motion made by the solicitor to the circuit court without the interposition of a jury: *Provided however*, that in all cases it shall be the duty of the solicitor to give to the clerk two days notice of such motion. Clerks of county courts to furnish sheriff's copy of orders within 10 days after appointment, under penalty of \$50.

Sec. 3. *And be it further enacted*, That it shall be the duty of the sheriff, within fifteen days after he receives the orders of the appointment of overseers of roads, to deliver a copy of said order to the overseers so appointed, or leave it at his usual place of residence; and within fifteen days thereafter, to make his return to the clerk of the county court's office. And pay should any sheriff fail or neglect so to do, he shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered on motion made by the solicitor to the circuit court, as prescribed in the second section of this act. Sheriff to send notice in 15 days after he receives the same under penalty of \$50.

Sec. 4. *And be it further enacted*, That it shall be the duty of overseers of roads, to contract for timber to repair their roads, and if the overseer and the owner of the timber should not agree upon the price of the timber; then and in that case the overseer of the road shall appoint some one disinterested person, and the owner of the timber shall have the liberty of appointing some one else, and if he should neglect or refuse so to do, then the overseer shall appoint two persons, who, after having been first qualified, shall value the timber, and should they disagree upon a price they shall call to their aid a third person, whose decision shall be final, and the damages shall be a county charge. Overseers to contract for timber. Overseer shall appoint disinterested person to value same, &c.

Sec. 5. *And be it further enacted*, That so much of an

act as requires the apportioners of hands to return a list of their apportionments to the office of the county court be and the same is hereby repealed.

Two or more applying for license, court may grant to either.

Sec. 6. *And be it further enacted*, That when two or more persons own the lands on the banks of any river where a public ferry is about to be established, then and in that event, when the owners of the land on each bank apply for a license for such public ferry, it shall and may be lawful for the court to grant a license to either of the applicants in their discretion, as they may deem most conducive to the public good. *Provided* the successful applicant for such license to keep a ferry shall pay to the owner of the land, which it may be necessary to appropriate to the use of a landing on the opposite bank of any stream on which a ferry may be established, such damages as he may sustain; to be ascertained by the verdict of a jury upon a writ of *ad quod damnum*, to be issued by the clerk of the county court of the county in which such land may be situated, requiring the sheriff of the county to summon twelve jurors, who shall be sworn to inquire of and assess such damages; and if any such successful applicants shall fail or refuse to pay the damages thus assessed within thirty days after notice thereof; the court granting such license, shall have the power to revoke the same, and grant a license to some other applicant.

Successful applicant to pay the owner damages on writ *ad quod damnum*.

If damage not paid in thirty days court may revoke license.

Bond given by holders of ferries to renew bond every three years

Sec. 7. *And be it further enacted*, That any person to whom a license may be granted to keep a public ferry shall give bond and security as now prescribed by law, and shall every three years renew said bond with security, and on failure of such person failing to renew his bond; it shall be the duty of the judge of the county court of the county in which such public ferry may be, to revoke the license, and the commissioners court of said county shall grant a license to any person who may apply for the same: *Provided*, that the county court shall not have power to open or lay out any roads within the corporate limits of the city of Mobile, or apportion hands on any road within the limits of said corporation.

Act not to apply to city of Mobile.

Approved, January 17, 1834.

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AN ACT

[No. 49.]

Declaratory of the Law concerning contempts of Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the power of the several courts of record of this State to issue attachments and inflict summary punishments, for contempts of court, shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of said courts, or so near thereto as to obstruct the administration of justice; the misbehavior of any of the officers

Contempt of court, what.

of said courts in their official transactions, and the disobedience or resistance of any officer of the said courts, party, juror, witness or any other person or persons, to any lawful writ, process, order, rule, decree or command of said courts.

Sec. 2. *And be it further enacted*, That if any person or persons shall, corruptly, or by threats or force endeavor to influence, intimidate or impede any juror, witness or officer, in any of the courts aforesaid in the discharge of his duty, or shall corruptly or by threats or force obstruct or impede the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall on conviction thereof be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or both, in the discretion of the jury trying the offence.

Penalty against persons for attempting improperly to influence jurors and witnesses

Approved, January 17, 1834.

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AN ACT

[No. 50.]

To prevent injury to Rail Roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter if any person or persons shall willfully injure or obstruct any of the rail roads which are now or may hereafter be established in this State, the person or persons so offending shall be held guilty of a misdemeanor, and shall be punished by fine and imprisonment at the discretion of the jury trying the same, and if any person or persons shall wantonly and maliciously injure or obstruct any of the said rail roads with intention to impede or stop the car, or other vehicles which may be used on such roads, the person or persons so offending shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars at the discretion of the jury trying the same, and shall be imprisoned not less than six months nor more than twelve months.

Penalty for injuring or obstructing rail roads.

Approved, January 17th, 1834.

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AN ACT

[No. 51.]

Providing for reporting the decisions of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That upon the resignation of George N. Stewart, the present reporter of the decisions of the supreme court, such new reporter, as the court may appoint, shall proceed to report and publish, according to law, such decisions and cases of the court as shall be decided after the present January term.

Reporter to publish reports after January term

Sec. 2. *And be it further enacted*, That it shall be lawful for the said George N. Stewart to proceed to complete and publish as reporter, notwithstanding such resignation, the decisions of the supreme court now in arrear and yet unpublished,

Former reporter to publish decisions up to July term, 1834, and may publish more

than one vo
lume per
year.

including the cases decided at the present term; for doing which, he shall receive the same compensation as is or may be provided by law, for the payment of the reporter of the decisions of the supreme court, and which shall be paid in the manner now provided by law; and so much of the laws now in force, as provides that one volume only shall be published yearly, so far as the same may contravene the provisions of this act, be, and the same is hereby repealed.

Approved, January 17, 1834.

[No. 52.]

AN ACT

The more effectually to secure the administration of Justice in Criminal Cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Duty of judges of circuit courts upon points reserved in criminal cases less than capital.

convened, That it shall be the duty of judges of the circuit courts of this State, whenever a conviction shall be had in any criminal case, and points reserved as novel and difficult for the decision of the supreme court, to proceed and render judgment on the conviction, but the execution of the judgment shall be suspended, in cases not capital until the next succeeding term of the circuit court rendering the judgment, and the defendant shall be recognized with good and sufficient securities to there appear, and abide the judgment so rendered. And in capital cases, the execution of the judgment shall be suspended to a time not less than twenty-five nor more than forty days after the commencement of the next succeeding term of the supreme court.

In capital cases.

Where conviction has been had but no judgment rendered.

Sec. 2. *And be it further enacted*, That in all causes where convictions have been had, and points reserved as novel and difficult, for the decision of the supreme court, but no judgment rendered thereon by the circuit court, it shall be the duty of the presiding judge at any subsequent term, if judgment shall be rendered on such conviction by him, to suspend the execution thereof, in the manner provided by the first section of this act.

Approved, January 17, 1834.

[No. 53.]

AN ACT

For the better regulation of Roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Commissioners of roads and revenue to declare streets out of repair. And citizens of incorporated towns compelled to work

convened, That whenever, by the act of incorporation of any town, city, village or corporation, within this State, the citizens of such town, city, village or corporation shall be exempt from work on the public roads of the county in which the same shall be situated; and the council or municipal authorities of such town, city, village or corporation shall fail or neglect to cause the streets or highways within the same to be repaired or work-

ed upon, then and in that case, the court of commissioners of roads and revenue in such county, shall declare such streets or highways as part of the public roads connected with the same, and the citizens of any such town, city, village or corporation shall be compelled to work upon them, under the usual penalties and upon the usual mode now provided by law.

on roads within the limits of the same.

Sec. 2. *And be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act shall be, and they are hereby repealed. *Provided*, that nothing in this act shall be construed to authorize the overseers of any roads, to carry the hands working on the same beyond the precincts allowed by law.

Hands not to be carried beyond their limits.

Approved, January 17, 1834.

[No. 54.]

AN ACT

To fix the time of holding the Circuit Court for the County of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the circuit court, for Madison county, shall commence on the third Mondays in April and October in each and every year, and continue as long as the business may require; and all writs and other process heretofore issued and made returnable at any other time, shall be returnable to the court as now fixed by law, in the same manner as if they had been so issued.

Madison circuit court when held.

Sec. 2. *And be it further enacted*, That all laws contravening the provisions of this act be, and the same are hereby repealed.

Repeal.

Approved, January 17, 1834.

[No. 55.]

AN ACT

Concerning Evidence.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, when the testimony of any judge of any of the courts of this State, any clerk of such court or any officer of the United States may be material in any cause in any of the said courts, and whose residence is not of the county wherein the cause may be pending, it shall be lawful to take his deposition: *Provided*, the party wishing the same, or his agent or attorney make affidavit of his materiality, that he is such judge, clerk or officer, and resides out of the county and give such notice to the adverse party or his attorney, of the time and place of taking the same as the clerk of the said court may prescribe, and upon such affidavit being made, the said clerk shall issue a *dedimus* for the taking of such deposition, to any person or persons; or said deposition may be taken upon interrogatories filed in the mode prescribed for taking depositions in chancery cases.

Authorizing the taking of depositions of judges and clerks of courts of this State, and judges and officers of United States on affidavit of party interested.

Approved, January 17, 1834.

[No. 15.]

AN ACT

To distribute the funds arising from the sale of the sixteenth sections in the Tennessee Valley.

Sixteenth section fund in the Tennessee valley to be loaned to the citizens of the several townships.

After first February every year how disposed of.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the funds arising from the sale of the sixteenth sections in the Tennessee valley, and deposited in the branch bank at Decatur, shall be loaned to the citizens of the several townships from which they may have arisen, and shall be retained for that purpose until the first day of February in each year.

Sec. 2. *And be it further enacted,* That after the first day of February in each year, the directors of said branch bank shall dispose of the above named funds as the other funds of the bank.

Approved, January 17, 1834.

[No. 56.]

AN ACT

To reduce the number of Jurors to be drawn and summoned in future, to attend the Circuit Court in the County of Fayette.

Jurors for Fayette circuit court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, shall be drawn and summoned in the manner now prescribed by law, thirty-six jurors for each term of the circuit court of the county of Fayette, and no more, any law to the contrary notwithstanding.

Approved, January 17, 1834.

[No. 57.]

AN ACT

To exempt Revolutionary Soldiers from paying Taxes.

Exempting revolutionary soldiers from paying taxes.

Oath of party before justice of peace evidence of service.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That each and every revolutionary soldier in this State, shall be exempt from paying taxes.

Sec. 2. *And be it further enacted,* That the oath of the party made before an acting justice of the peace, shall be sufficient evidence of his revolutionary services: *Provided,* the party affirming procure one or more of his credible neighbors, who will testify to his general good character as an honest and truth-telling man.

Approved, January 17, 1834.

[No. 58.]

AN ACT

To amend the Militia Laws of this State, so far as they relate to the fifteenth Regiment in Jefferson County.

Companies of the 15th regiment to hold four musters a year.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several beat companies of the fifteenth regiment of Alabama militia, in Jefferson county, shall hereafter hold four company musters in each and every year, instead of two company musters as now required by law; and it shall be the

Duty of each non-commissioned officer and private, belonging to said fifteenth regiment, to appear at the several company, battalion and regimental musters duly equipped with a gun of some description: *Provided*, he owns one, and on his failure to do so, shall be subject to a fine of fifty cents.

Sec. 2. *And be it further enacted*, That there shall be elected to each beat company, in said fifteenth regiment, a second lieutenant, in addition to the other beat officers now required by law; and the captains or commanding officers of said beats, shall, as soon as practicable after the passage of this act, cause said offices to be filled by election as in case of other vacancies of company officers; and also to be filled from time to time in like manner as vacancies may occur: and the governor, when duly notified of said elections, shall issue his commission to the persons elected, as he is in other cases required to do by the militia laws of this State.

Second lieutenant authorized.

Approved, January 18, 1834.

No. 59.]

AN ACT

To fix the fees of County Surveyors.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following compensation shall be allowed and taken by county surveyors, and no more for services rendered by virtue of their offices, to wit: for every single plat and calculating contents, with certificate of contents annexed, two dollars; for every days attendance in making any survey, four dollars; for every adjoining plat with notes of reference, fifty cents; for every additional plat with certificate of survey and notes of reference, where there are not more than three plats contained in said survey, one dollar; for every additional plat in said survey, twenty-five cents; for surveying a town lot, two dollars; for each adjoining lot, one dollar.

County surveyors' fees.

Approved, January 18, 1834.

[No. 60.]

AN ACT

Authorizing and requiring the assessor and Tax Collector of the County of Baldwin, for the year 1834, to assess and collect the Taxes that was due from said County, for the year 1833, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the assessor and tax collector for the county of Baldwin, for the year one thousand eight hundred and thirty-four, be, and he is hereby authorized and required to assess and collect the taxes that was due from said county of Baldwin, for the year one thousand eight hundred and thirty-three, under the same rules, regulations and restrictions, as though they had been collected at the proper time as prescribed by law.

Assessor and tax collector of Baldwin for 1834 to collect taxes due for the year 1833.

Sec. 2. *And be it further enacted*, That if there should be If no assessor

and tax collector
or be elected
when sheriff of
said county to
act as such.

no assessor and tax collector elected for the county of Baldwin, for the present year, 1834; then and in that case, it shall be the duty of the sheriff of said county, to proceed and assess and collect the taxes due from said county, for the years 1833 and 1834, under the same rules, regulations and restrictions, and to be governed in all respects by the same laws as the assessor and tax collector would have been, if he had been duly elected agreeably to the laws on that subject, and shall be entitled to the same fees as the assessor and tax collector would have been, any law, usage or custom to the contrary notwithstanding.

Approved, January 18, 1834.

[No. 61.]

AN ACT

To regulate the mode of computing Interest in certain cases.

Banks to com-
pute interest
at the rate of
30 days to the
month.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the several banks of this State, in computing their discounts or interest upon loans or notes, to calculate interest at the rate of thirty days for a month, or three hundred and sixty days to the year; and on all fractions, according to the standard of Rowlett's table of interest.

Approved, January 18, 1834.

[No. 62.]

AN ACT

To authorize and require the President and Directors of the Bank of the State of Alabama, to pay off the certificates of State Stock issued in conformity of a law of 1823.

Bank to pay
off certificates
of State Stock

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the president and directors of the bank of the State of Alabama be, and they are hereby authorized and required to pay off the certificates of State stock, issued in conformity to a law of eighteen hundred and twenty-three, for the sum of one hundred thousand dollars, out of the capital stock of said bank, when the same falls due.

Approved, January 18, 1834.

[No. 63.]

AN ACT

To make valid the act of the Commissioners appointed to locate the Seat of Justice, in the County of Barbour.

Preamble.

WHEREAS, doubts have arisen in the county of Parbour, concerning the legality of the act of the commissioners appointed for the purpose of making the location of the seat of justice in said county; inasmuch as the said act required them to meet on the first Monday in February last, which last requisition was not complied with according to the provisions of said act; but in perfect accordance with every other provision, therefore.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the act of said commissioners is to all intents and purposes, as valid as though they had met on the date set forth in the above recited act.

Approved, January 18, 1834.

[No. 64.]

AN ACT

To repeal in part an act now in force, confining the collecting of debts before a Justice of the Peace, in the beat where the contract was made.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the above recited act, as regards the counties of Jefferson, Madison, Lauderdale, Blount and Limestone be, and the same is hereby repealed.

Approved, January 18, 1834.

[No. 65.]

AN ACT

To prevent Directors of Banks from acting as Attornies for Banks.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, it shall not be lawful for any director or the partner in the practice of law of a director of the bank of the State of Alabama or any of its branches, to act as attorney at law, or proctor for or on behalf of any such bank, of which he may be a director as aforesaid.

Directors not to act as attorney at law for the Bank or its branches.

Approved, January 18, 1834.

[No. 66.]

AN ACT

To reduce the number of days that hands shall be subject to work on public Roads in the County of Blount, and for other purposes

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act no hand now subject to work on any public road in the county of Blount, shall be compelled to work more than six days in each and every year: *Provided however,* that if any public road in said county may require more than six days to keep the same in repair, then in that case the hands subject to work on said road shall be liable to work the same number of days that are now required by law.

Hands not to work on road more than six days.

Proviso.

Sec. 2. *And be it further enacted,* That no hand shall be compelled to mork on any public road in the county of Blount, at a greater distance from his residence than four miles to the nearest point on said road, to which he may be appointed, *provided,* however that all hands subject to work on a public road shall be appointed to the nearest public road to which they may reside, and who shall pay the sum of seventy five cents per day, for every day that his overseer may cause his hands to work on said road, to be paid into the hands of his overseer, to be appropriated to the hire of hands to work on said road, and which

Nor farther than 4 miles.

Proviso.

sum if so refused to be paid over to said overseer within six days after the working of said road shall be collected with all costs in like manner as other fines are collected, for nonperformance of service on other public roads in this State, as now pointed out by the present existing laws; and, *provided further*, that any hand living at a greater distance than four miles from the nearest point of said road, to which he may be appointed, shall have his choice of working on said road in lieu of paying the aforesaid sum.

Repeal.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act so far as it relates to the county of Blount, be and the same are hereby repealed.

Approved, January 18, 1834.

[No. 67.]

AN ACT

For the punishment of certain offences committed upon the Territory ceded by the Creek Tribe of Indians to the United States of America.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That from and after the passage of this act, that if any person or persons whomsoever shall forcibly or peacefully, enter upon or take possession of any tract or tracts of land within this State, and within that portion of Territory ceded by the creek tribe of Indians, by the provisions of the creek treaty of the 24th March, 1832, to the United States of America, and which according to the provisions thereof are set apart, and are to be distinguished as Indian sections, and reservations, without having previously made a contract with the person or persons entitled to the possession of such section or reservation of land according to the provisions and requisitions of said treaty, the person or persons, so offending, shall be proceeded against by indictment in the circuit court of the county in which such Indian selection or reservation may lie, and upon conviction thereof shall be sentenced by the said court to pay a fine not exceeding one thousand dollars, nor less than two hundred and fifty dollars, to go to the use of the county in which such case or cases may be tried, and upon his her or their failure or inability to comply with such sentences, he she or they shall be committed to the common jail of the county in which such conviction may be had, there to remain without bail or mainprise, and shall not be discharged therefrom until the end and expiration of three calendar months from the time of such commitment; unless the sentence of the said court shall in the interim be complied with; and upon every conviction it shall be the duty of the court before which the same may be had, to order and direct the sheriff of the proper county to put the person or persons entitled to any such selections or reservation of

Persons entering on Indian reservations shall be proceeded against by indictment, on conviction, to be fined and imprisoned.

Sheriff to restore possession.

land so trespassed upon, as aforesaid with the immediate possession of the same.

Sec. 2. *And be it further enacted*, That it shall hereafter be the duty of the presiding judge of the circuit courts of the counties Barbour, Macon, Russell, Chambers, Tallapoosa, Coosa, Randolph, Talladega and Benton, at each and every term of the of the said circuit courts, to give this act specially in charge to the respective grand juries thereof.

This act to be given in charge by judges of certain courts therein named.

Approved, January 18, 1834.

[No. 68.]

AN ACT

To abolish and establish certain election precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precincts heretofore established by law at the places following, are hereby abolished and discontinued, to wit: at Henry Brazeltons in the county of Madison; at the house of E. Burrows in Dallas county; at the house of James Stephenson in the county of Wilcox; at the house of Green B. Hobby and — Mynis in the county of Pickens; at Robinson's store and at Hay's Hill in the county of Lowndes; at the house of Edmond Strange; at the house of John Wofford; and at the house of John Haram, in the county of Limestone; at Bainbridge in the county of Franklin; at the house of James Spencer, in the county of Blount; at the house of John D. Rogers; and at Allen Glover's store, in the county of Sumpter; at the house of Jesse Harris, in the county of Benton; at the house of Thomas Warren; and at the house of Seaborn Lewis, in the county of Barbour; at the house of Irvin Calfie, in the County of Bibb; at the house of George Johnson deceased, in the county of Greene; at the house of William Robb, in the county of Conecuh; at the house of Jacob Lanes; at the house of Mason Cole; and at the house of Thomas M'Adams, in the county of Pike; at the house of Madam M'Kensey, on Bonseware in the county of Baldwin; at the house of J. Chisolm in spring-hill in the county of Mobile; at the house of John H. Martin; on Turkey creek in the county of Marengo; at the house of Robert C. Wilson, in the county of Talladega.

Abolishing certain election precincts
Madison.
Dallas.
Wilcox.
Pickens.
Lowndes.
Limestone.
Franklin.
Blount.
Sumpter.
Benton.
Barbour.
Bibb.
Greene.
Conecuh.
Pike.
Baldwin.
Mobile.
Marengo.
Talladega.

Sec. 2. *And be it further enacted*, That election precincts be and they are hereby established at the following places, to wit: one at the house of James Drennen; one at the store of William Morris, in the town of Mardisville; one at the store of Walker & Readle; and one at the house of Levi D. Coleman, in the county of Talladega; one at the house of Stephen Clayton; one at the boiling spring; and one at the plumb spring, in the county of Benton; one at the house of Giles Carter, in the county of Henry; one at the house of Henry Black; and one at

Establishing certain election precincts
Talladega
Benton.
Henry.

	the house of Levi Dawland, in the county of Dale; one
Dale.	at the house of James M. Howard; and one at the store of
Lowndes.	Neall & Haynes, in the county of Lowndes; one at the house of
Washington.	Charles Bensler, in the county of Washington, one at the house
Pickens.	of W. A. Henry, in the county of Pickens, one at Barboursville,
Wilcox.	in the county of Wilcox; one at the mill-house of Samuel
	Murry; and one at the house of Thomas Haynes, in the coun-
Perry.	ty of Perry; one at the store house of John T. Primon, in the
Dallas.	county of Dallas: one at the house of Webb Kidd; one at the
	house of William Vardyman on eat the house of Richard B. Cole-
	man; one at the House of Ezekiel Henry; one at the house of
	Michael Hinkle; and one at the house of William Morris, in
Chambers.	the county of Chambers; one at the house at the house of John
Tuscaloosa.	Springer in the county of Tuscaloosa; one at the muster ground
	of Nathaniel W. Bush; and one at the store house of Franklin
Montgomery.	Armstrong; for the county of Montgomery; one at the house of
	Lewis Goffe; and one at the house of James W. King, at
Mobile.	Spring Hill, in the county of Mobile; one at the house of
Baldwin.	Augustus Lecoart, on Boneswar in the county of Baldwin;
Macon.	one at the house of Bird Fitzpatrick, in the county of Macon;
	one at the house of James Hathorn; and one at the house of
Randolph.	John T. Morrison, in the county of Randolph: also one at
	the house of Richmond Nod, in the said county of Randolph;
	one at the house of Alfred Mahon; one at the house of Solomon
	Robins; one at the house of Hugh M'Million; one at the house
	of George Taylor; one at the house of Thomas Walstin, in the
Coosa.	county of Coosa; one at the house of Betsey Pack; one at the
	house of Stephen Newman; one at the house of Alexander
Jackson.	M'Farlane; and one at Cotton Scraper, in the county of Jack-
	son; one at the house of Robert Sims; one at the house of Jesse
	Jones; one at the store house of Small & Pierce, in the county
Pike.	of Pike: one at the store house of T. R. Watts, in the county
Conecuh.	Conecuh; one at the store house of William Kennedy; one at
	the house of Captain Robert Bell, and one at the house of
	James Derden; and one at the store house of Hemphill &
Greene.	Tindall, in the county of Greene: one at the house of John
Bibb.	Calfe, sen., in Bibb county; one at the house of S. F. Keeper,
	in Township thirteen, range twenty five; and one at Clay-
Barbour.	ton, in the county of Barbour; one at the house of Robert
Benton.	Brown, in the county of Benton; one at the store house of
	William Kirk; one at the town of Wetumpka; one at the
	town of Washington; one at James Samples mill; and one at
Autauga.	M'Galls store on Buck Creek, in the county of Autauga; one
	at the house of Joel Holbert; one at the house of Creed Taylor;
	one at the house of James R. Jones; and one at the house of
Limestone.	William Adams, in the county of Limestone; one at the house

of Asa Cobb; and one at the house of Branley Sugg, in the county of Franklin; one at the house of James Childress, in the county of Blount; one at the store house of Benjamin F. Logan; one at Patton's store; one at Jones Bluff; one at Bagly's mill; one at Mount Pleasant, in the county of Sumpter; one at the house of Henry McCoy; one at the house of John Littlefield; one at the house of Reuben Arnold; one at the house of William B. Russell; one at the house of Israel Standifer; and one at the house of Lewis S. Riggs; and one at the house of James Thomason, in the county of St. Clair.

Sec. 3. *And be it further enacted*, That additional election precincts are hereby established at the following places, to wit: one at the house of Ransom Davis, in the county of Dallas; one at the house of William Reynolds, in the county of Jackson; and one at the house of David Martin, in the county of Lawrence: one at the house of William Cooper, in the county of Montgomery; and one at the house of Drury Spain, in the county of Russell.

Sec. 3. *And be it further enacted*, That the election precinct heretofore established at the house of Byrd Lenthicum, in the county of Lawrence, be and the same is hereby discontinued.

Approved, January 18, 1834.

No. 69.]

AN ACT

To provide for the printing and distribution of the Laws and Journals of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be the duty of the State printer, annually, to print in manner and within the times now required by law twenty five hundred copies of the acts and resolutions of the general assembly, and one thousand one hundred copies of the journals of the house of representatives; and eight hundred and twenty-five copies of the journals of the senate, which when printed, shall be distributed in all respects as now provided by law.

Number of copies of the acts and journals to be printed.

Sec. 2. *And be it further enacted*, That the annual compensation of the State printer shall hereafter be twenty eight hundred dollars, to be paid as now provided by law.

Approved, January 18, 1834.

[No. 70.]

AN ACT

To fix the salaries of the several Bank Officers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the following salaries shall be paid to the officers in the bank of the State of Alabama and its several branches, to wit: to the president of the bank of the State

Pay of Bank officers.

of Alabama, one thousand dollars per annum; to the president of the branch bank at Montgomery, one thousand dollars per annum; to the president of the branch bank at Decatur, one thousand dollars per annum; to the president of the branch bank at Mobile, two thousand dollars per annum; to the cashier of the bank of the State of Alabama, two thousand dollars per annum; to the cashier of the branch bank at Montgomery, eighteen hundred dollars per annum; to the cashier of the branch bank at Decatur, eighteen hundred dollars per annum; to the cashier of the branch bank at Mobile, twenty five hundred dollars per annum; to the teller of the bank of the State of Alabama, twelve hundred dollars per annum; to the teller of the branch bank at Montgomery, twelve hundred dollars per annum; to the teller of the branch bank at Decatur, twelve hundred dollars per annum; to the teller of the branch bank at Mobile, sixteen hundred dollars per annum; to the book keeper of the bank of the State of Alabama, one thousand dollars per annum; to the book keeper of the branch bank at Montgomery, one thousand dollars per annum; to the book keeper of the branch bank at Decatur, one thousand dollars per annum; to the book keeper of the branch bank at Mobile, twelve hundred dollars per annum; to the discount clerk of the bank of the State of Alabama, one thousand dollars per annum; to the discount clerk of the branch bank at Montgomery, one thousand dollars per annum; to the discount clerk of the branch bank at Decatur, one thousand dollars per annum; to the discount clerk of the branch bank at Mobile, twelve hundred dollars per annum; to the runner of the branch bank at Mobile, six hundred dollars per annum.

To be paid by
their respec-
tive banks.
No extra com-
pensation to
be received

Sect. 2. *And be it further enacted*, That the salaries of the aforesaid officers shall be paid by their respective banks, in quarter yearly payments out of the profits of the same; and no other perquisites or emoluments shall be allowed or paid to any officer for extra services, travelling expences excepted, when on the business of the bank.

When to com-
mence.

Sec. 3. *And be it further enacted*, That the salary of the teller, of the branch bank at Decatur, shall commence on the 13th day of March, 1833; the other officers of the branch banks at Decatur and Mobile, when they entered upon the discharge of their respective duties. Approved, January 18, 1834.

[No. 71.]

AN ACT

To amend the charter of the bank of the State of Alabama and its several branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the president of the branch of the bank of the State

Branch Bank
at Montgome-
ry may collect

of Alabama, located at Montgomery, to collect the debts due the said branch in the same manner, and in the same courts in the county of Montgomery, as is now prescribed by law for the collection of the debts of the mother bank.

its debts in the same manner as the mother Bank.

Sec. 2. *And be it further enacted,* That the president, directors, cashier and all other officers of the bank of the State of Alabama and its several branches, shall take and subscribe the following oath in addition to the one now prescribed by law, before entering on the duties of their several offices, to wit: I, A B do solemnly swear or affirm, as the case may be, that I will not, during the time for which I have been elected as —, or may serve as — in said bank or branch bank, bet at any gaming table, such as cards, dice, billiards, or any table known as A. B. C., or E. O., or any faro bank or any other table of like description, so help me God.

Officers of the Bank and all its Branches to take an oath against gaming.

Approved, January 18, 1834.

No. 72.]

AN ACT

To prevent the imprisonment of females.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all contracts to be intered into by *femes sole*, or by any female acting as such, the body of any such female shall not be arrested and held in custody by virtue of any writ of *capias ad satisfaciendum*, or *capias ad respondendum*, any law, usage or custom to the contrary notwithstanding: *Provided*, that nothing contained in this act shall prevent the service on such female, of any writ or process wherein no bail is required.

Females not to be imprisoned for breach of contract.

Approved, January 18, 1834.

[No. 73]

AN ACT

To fix the salary of the solicitor of the first judicial circuit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the solicitor of the first judicial circuit shall receive an annual salary of three hundred and fifty dollars, payable quarter yearly, out of the treasury in addition to his perquisites of office.

Salary Solicitor first circuit.

Approved, January 18, 1834.

[No. 74.]

AN ACT.

To change the time of holding the circuit courts in the counties of Randolph and Benton.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the circuit courts for the county of Benton, shall be holden on the 4th Monday after the 3d Monday in March and September; and for the county of Randolph, on the 5th Monday after the 3d Monday in March and September, instead of the times now provided for by law.

Circuit court for Benton, when held in Randolph.

Process.

Sec. 2. *And be it further enacted*, That all writs and other process made returnable to the courts in the above counties, as now provided to be holden by law, shall be returnable to said courts as changed by this act. Approved, January 18, 1834.

[No. 75.]

AN ACT

To reduce the Tax Fees of the Attorneys of the Bank of the State of Alabama, and its Branches.

Tax fees of
Bank Attor-
nies.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the tax fees on suits commenced by the bank of the State of Alabama, or any of its branches, against the drawer, endoser or acceptor of any bill of exchange shall be two dollars, and not more: *Provided*, that if only one suit be commenced on any such bill, the fees shall be as now established by law. Approved, January 18, 1834.

[No. 76.]

AN ACT

Providing for the keeping of the State Capitol and the furniture therein.

Jas. Rather
appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Rather be and he is hereby appointed to take charge of the State capitol, together with all the State furniture therein; and that he be required to keep the same until the meeting of the next general assembly.

Sec. 2. *And be it further enacted*, That the said James Rather for the faithful performance of this service, shall be entitled to receive the sum of seventy five dollars, to be paid as other claims against the State. Approved, January 18, 1834.

[No. 77.]

AN ACT

To authorize the Bank of the State of Alabama, and its several branches to issue Post Notes.

Bank and its
branches may
issue post
notes.How long to
run.No interest to
accrue until
payment re-
fused
Holder enti-
tled to dam-
ages.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama in General Assembly convened*, That it shall be lawful for the president and directors of the bank of the State of Alabama, and the president and directors of any of the branch banks of the State of Alabama, to issue post notes made payable at such places as they may deem expedient: *Provided however*, said notes shall be drawn payable to some person or persons, and shall not have longer to run than ninety days: *Provided also*, that no interest shall accrue upon said notes until after payment has been refused by the bank issuing the same upon demand; in which event the holder shall be entitled to the same interest and damages, as is now provided for by law on protested bills of exchange: *provided*, that neither of said banks shall ever issue more than one fourth of its paper in post notes.

Approved, January 18, 1834.

[No. 78.]

AN ACT

Altering the times for holding the several Circuit Courts in the first Judicial Circuit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the spring terms of the first judicial circuit shall be holden at the times following, to wit: in the county of Conecuh, on the first Monday in March, in each and every year, and continue one week; in Monroe on the second Monday in March, and continue one week; in Clarke on the third Monday in March, and continue one week; in the county of Washington on the fourth Monday in March, and continue one week; in the county of Mobile on the first Monday, after the fourth Monday in March, and continue four weeks; in the county of Baldwin on the fifth Monday, after the fourth Monday in March, and continue one week.

Spring term
first judicial
circuit when
holden.

Sec. 2. *And be it further enacted,* That the fall terms of the first judicial circuit shall be holden as follows; to wit: in the county of Washington on the first Monday in October; in the county of Clarke on the second Monday in October; in the county of Monroe on the third Monday in October; in the county of Conecuh on the fourth Monday in October; in the county of Mobile on the first Monday, after the fourth Monday in October; and in the county of Baldwin on the fifth Monday, after the fourth Monday in October; and may respectively continue the same length of time as the spring terms.

Fall term first
judicial circuit
when holden.

Sec. 3. *And be it further enacted,* That all process heretofore returnable to the said courts shall be, and they are hereby made returnable to the said courts respectively at the time prescribed by this act.

Process made
returnable.

Approved, January 18, 1834.

[No. 79.]

AN ACT

To repeal in part and amend the law relating to apportionment of hands to work on public roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act it shall be the duty of two justices of the peace, and the captain or other officer commanding in each beat, or a majority of them, to apportion all the hands in their respective beats liable to work on public roads, and to furnish the respective overseers of roads in their respective beats with a list of the same, on or before the first Monday in March in each and every year; and to perform all other duties now required by law of apportioners of hands.

Two justices
of the peace
and captain of
the beat to ap-
portion hands.

To furnish o-
verseers with
list.

Sec. 2. *And be it further enacted,* That if the captain or officer commanding and the justices of the peace shall fail to per-

Penalty.

Proviso.

form the duties required by this act, they shall be liable to the same fines and penalties imposed on apportioners of hands, by the act to which this is an amendment: *Provided however*, that if any beat should not have two justices of the peace, or one justice and captain or other commanding officer, then and in that case, the judge and commissioners of roads and revenue, shall appoint apportioners as now required by law.

County court
to furnish list
of overseers

Sec. 3. *And be it further enacted*, That the judge and commissioners of roads and revenue shall cause to be furnished to each company of apportioners, a list of the overseers on the public roads within their beats, together with the commencement and termination of their precincts, and the grade thereof.

Apportioners
to make
return to coun-
ty court of
having appor-
tioned hands.

Sec. 4. *And be it further enacted*, That the said apportioners shall, within thirty days after making such apportionment, make return in writing to the judge of the county court, that they have apportioned hands to the different overseers within their beats, which return shall be filed in the clerks office, and shall be *prima facie* evidence on the trial of a defaulting overseer, that the said overseer has received notice of his appointment; that hands have been apportioned to him, and that the road of which he is overseer is a public road established according to law; and any company of apportioners, failing to make return as herein required, shall be severally liable to a fine of fifty dollars, to be recovered by motion of the solicitor on three days notice-

Penalty.

Approved, January 18, 1834-

PRIVATE AND LOCAL LAWS.

[No. 1.]

AN ACT

To provide for the further organization of the county of Sumter.

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the militia of the county of Sumter, in this State, shall be added to and form a part of the third division and sixth brigade, and shall consist of one regiment, to be designated and numbered the sixty fourth regiment, which said regiment shall be commanded by a colonel commandant, and be composed of battalions; the first of which shall be commanded by a lieutenant colonel, the second by a major: each battalion shall consist of not less than two, nor more than six companies, and shall be commanded by a captain, lieutenant and ensign, with four sergeants, four corporals and two musicians.

Sixty fourth
Reg't. attach-
ed to 3d Div.
and 6th Brig.

Sec. 2. *And be it further enacted,* That it shall be the duty of the brigadier general of the sixth brigade of the militia of this State, to issue a writ of election to the sheriff of the said county of Sumter, requiring him at such time as the said brigadier general shall appoint, to hold an election at the several precincts in said county, for the election of a colonel, lieutenant colonel and major, to command said regiment; and the said sheriff shall advertise said election for twenty days, in at least six of the most public places in said county, and shall make due return of said election to the office of the secretary of State; and the persons elected shall be commissioned, and shall conform in all respects to the rules and regulations prescribed by the militia laws of this State: and at the said election, all free white males over the age of eighteen years, residing in said county, shall have a right to vote.

Brig. Gen. of
6th Brig. to
issue writ of
election for
Colonel, &c.

Sec. 3. *And be it further enacted,* That it shall be the duty of the colonel, lieutenant colonel and major, elected under the authority of the second section of this act, as soon after their election as may be, to divide and lay off the said regiment into two battalions, and they shall divide and lay off each of said battalions into convenient company beats, as prescribed by the first section of this act; and it shall be the duty of the lieutenant colonel and major of said regiment, to order elections for company officers within their respective battalions, and shall appoint the place of holding said election within each com-

Regt. to be
laid off into
two Bat's.

Company of-
ficers to be
elected.

pany beat, giving at least fifteen days notice thereof, and appoint a superintendant of the same in each beat, who shall make a return of said election as now required by law; and at said election, all free white males over the age of eighteen years, residing in such beat, shall have a right to vote.

Justices of the
peace and con-
stable.

Sec. 4. *And be it further enacted*, That there shall be elected, by the qualified electors within the limits of each captain's beat, which may be laid off by virtue of this act, two justices of the peace, and one constable, who shall hold their office until the next general election, as now prescribed by law for the election of such officers, and until their successors shall be duly qualified; which election shall be holden by the commanding officer of each company, and two free holders or house holders, to be appointed by him, and shall be holden on the first Monday of March next; and it shall be the duty of the persons holding such election, to make return thereof, as now required by law, and the persons then to be elected shall take the oaths prescribed by law, and shall in all respects be subject to and comply with the laws now in force, relating to justices of the peace and constables in this State.

Governor to
appoint eight
justices and
four constables.

Sec. 5. *And be it further enacted*, That it shall be the duty of the governor of this State, immediately after the passage of this act, to appoint and commission eight justices of the peace, and four constables, in and for said county of Sumter, who shall, before entering upon their respective duties, take the oaths of office now prescribed by law; and the constables there to be appointed, shall give bond and security, to be approved of by the judge of the county court of the said county of Sumter, in the sum and condition now prescribed by law; and the said justices of the peace and constables shall receive for their services the fees now allowed by law, and shall hold their offices respectively until the election and qualification of those authorized to be elected, by the fourth section of this act.

Approved, December 2, 1833.

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[No. 2.]

AN ACT

To incorporate the Town of Moulton, in the County of Lawrence.

WHEREAS, by failure to elect commissioners and other officers for the government of the town of Moulton, it has been supposed that said town has forfeited its charter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the acts of incorporation of the town of Moulton, in the county of Lawrence, passed on the 17th day December 1819, and January 29th, 1829, be and the same are hereby revived.

Act of incor-
poration re-
newed.

Sec. 2. *And be it further enacted*, That Crocket M'Donald, Denton H. Valiant and John Moore, or any two of them, be and they are hereby appointed commissioners to hold an election of town officers, authorized by the above recited acts of incorporation. Commissioners appointed

Sec. 3. *And be it further enacted*, That the said acts of incorporation shall not be forfeited, or vacated by any failure to elect commissioners of said town, and the president and commissioners and other officers of said town shall hold their offices until their successors are elected and qualified.

Approved, December 4, 1833.

[No. 3.]

AN ACT

To authorize the people of Beat No. 6, in Jefferson County to elect an additional Justice of the Peace for said Beat, to reside in the corporation of the Town of Elyton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the qualified electors residing in beat No. 6, in the county of Jefferson, be and they are hereby authorized, on giving ten days previous notice, to elect an additional justice of the peace for said beat, whose residence shall be confined to the corporate limits of the town of Elyton. Additional justice of the peace for Elyton.

Sec. 2. *And be it further enacted*, That the said justice of the peace when elected, shall be subject to the same rules, regulations and restrictions, as are now provided by law, for the government of other justices of the peace.

Approved, December 4, 1833.

[No. 4.]

AN ACT

To provide for the payment of Grand and Petit Jurors in the county of Jefferson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the county court of Jefferson county on the second Monday in February, in each year, to levy a special tax, for the purpose of paying the grand and petit jurors attending the several courts of said county. County court of Jefferson to levy tax for jurors.

Sec. 2. *And be it further enacted*, That it shall be the duty of the assessor and tax collector of said county, to assess and collect said tax, at the same time, and in the same manner that the State and county taxes are now levied and collected by law, and when collected, pay the same over to the county treasurer, for which service he shall receive three per centum on the amount so collected and paid over. Tax how collected.

Sec. 3. *And be it further enacted*, That it shall be the duty of the county treasurer, to keep said fund separate and distinct from the other funds of the county, and immediately after the adjournment of each term of said county court, to Fund to be kept separate

Treasurer's
duty.

pay to each and every juror the amount, for which he may produce the clerk's certificate of his attendance.

Sec. 4. *And be it further enacted*, That it shall be the duty of the county treasurer of said county, to make out and lay before the county court, on or before the second Monday in February, in each year a full expose of the amount received by him under this act, the payments made therefrom and the balance on hand, and for each failure so to do, he shall forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace, to be applied to county purposes.

Repeal.

Sec. 5. *And be it further enacted*, That all laws, contravening the provisions of this act, are hereby repealed.

Approved, December 4, 1833.

[No. 5.]

AN ACT

To compensate the Commissioners of Roads and Revenue, in the County therein named.

Compensation to commissioners of roads and revenue.

Section. 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That hereafter the commissioners of roads and revenue, for the county of Autauga, shall receive for their services, the sum of one dollar and fifty cents each, for every day they shall attend the commissioners court in said county; to be paid out of any money in the county treasury not otherwise appropriated, and that the certificate of the clerk of said county, shall authorize the county treasurer to pay out the amount certified to be due.

Approved, December 6, 1833.

[No. 6.]

AN ACT

To authorize the Commissioners Court of Lauderdale County, to levy an additional amount of County taxes for the purposes therein named.

County court to levy tax to repair certain bridges.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful for the judge of the county court, and the commissioners of roads and revenue of the county of Lauderdale, to levy a sufficient amount of county taxes to repair the bridges over Cypress Shoal and Blue Water creeks, and to pay the county debts, and to defray all other expenses necessary for the purposes of said county.

For building bridge.

Sec. 2. *And be it further enacted*, That the said commissioners court is hereby authorized and required to levy a special county tax, for the purpose of building a good and substantial bridge over Second Creek in said county, where the stage road, leading from Florence to Huntsville, crosses said creek.

Sec. 3. *And be it further enacted*, That the said commissioners court is hereby authorized to appoint commissioners, to contract for, and superintend the building of said bridges.

Approved, December 7, 1833.

[No. 7.]

AN ACT

Permanently to locate the Seat of Justice in Dallas County, and erect Public Buildings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the sheriff of Dallas county on the first Monday in February next, to hold an election at the different precincts in the county aforesaid, for the purpose of obtaining public sentiment as to the place where the seat of justice of said county shall be fixed and located.

Sheriff to hold election to ascertain where to locate seat of justice.

Sec. 2. *And be it further enacted,* That said sheriff shall give thirty days notice of said election at three or more public places, in said county, and the managers of said election shall be appointed in the same manner as the managers holding general elections in the State are appointed: *Provided,* that said managers are appointed ten days before, and notified, three days before said election, the same shall be legal.

Thirty day's notice to be given.

Sec. 3. *And be it further enacted,* That all persons, entitled to vote for members of the general assembly of this State, shall be entitled to vote at said election.

Who shall be entitled to vote.

Sec. 4. *And be it further enacted,* That the persons voting at said election, may vote to fix the seat of justice of said county at any point or place they may think proper, and should three or more places in said county be voted for, as the point or place for the seat of justice of said county, and no one place voted for, should have or obtain a majority of all the votes given in at said election, it shall be the duty of the sheriff of said county to hold a second election, giving not more than thirty, nor less than twenty days notice thereof at three or more public places in said county; the managers of which election shall be appointed, and the same shall be conducted in all respects, as already provided for by this act and the qualification of the voters at said election shall be the same as that in the third section of this act mentioned.

Persons may vote at any place they may think proper.

If no place have the majority, sheriff to hold second election.

Managers to be appointed as first election.

Sec. 5. *And be it further enacted,* That should there be a second election held, for the purpose of designating and fixing the seat of justice; it shall not be lawful at said second election, to vote for any other places than Cahawba, the present seat of justice, and the place having the highest number of votes of all others, voted for at the first election of this act mentioned.

If a second election, to vote for Cahawba or the place having the highest vote at last election.

Sec. 6. *And be it further enacted,* That the managers holding said election or elections, as the case may be, shall within two days thereafter return the votes taken at the same to the sheriff of said county, who shall, within one day after the same are so returned to him, cause the votes to be counted out in the presence of the judge of the county court, and one or more commissioners of roads and revenue, or in the presence

Managers to make return within 2 days to sheriff.

Sheriff within one day after such return shall cause the votes to be counted.

of the clerk of the county court and two or more commissioners of roads and revenue for said county, who are hereby appointed judges of said election or elections.

Should a majority require a removal, Commissioners of roads and revenue to cause public buildings to be erected at such place designated by the majority of votes.

Sec. 7. *And be it further enacted*, That should a majority of the voters of said election or elections require a removal of the seat of justice from the place the same is now located, then and in that event it shall be the duty of the judge of the county court and commissioners of roads and revenue, to cause a suitable court house and jail to be erected at the place designated by the majority of votes: *Provided*, that said majority be a majority of the whole number of qualified voters in said county, to be ascertained by the judges of said election, by comparing the same with the census list of said county for the year 1833.

Sec. 8. *And be it further enacted*, That in the event of a removal, until suitable public buildings are erected, the different courts of said county shall be held at the present seat of justice.

May levy a tax for erection of such buildings to be collected by tax collector, when and how to be collected.

Tax collector's fees.

Sec. 9. *And be it further enacted*, That the judge of the county court and commissioners of roads and revenue are hereby authorized to levy a tax on the people of said county for the purpose of erecting said court house and jail, which tax shall be collected by the tax collector thereof, in the following manner, that is to say; one third in one year; one third in two years; and one third in three years, from the levy thereof, who shall receive the same compensation for collecting the tax as is now allowed by law, for collecting other county taxes: *Provided*, they do not exceed the sum of six thousand dollars.

Commissioners to accept of any donation of land not exceeding 2 acres, and any sum of money not exceeding 10,000

Sec. 10. *And be it further enacted*, That said judge and commissioners are hereby authorized to accept of any donation of land not exceeding two acres, and any sum of money not exceeding ten thousand dollars, for the erection of said court house and jail, and the place having received a majority of all the votes given at said election, shall be and remain the permanent seat of justice for the county of Dallas, until otherwise ordered by law.

Building of public buildings to be let out to lowest bidder. Two months notice to be given.

On removal from present seat, judge of county court to give notice.

Sec. 11. *And be it further enacted*, That it shall be the duty of the judge of the county court and commissioners of roads and revenue, to let out said public buildings to the lowest bidder, giving at least two months notice in one or more public newspapers, of the time, place, plan and conditions; the plan and conditions whereof shall be such as the said judge and commissioners shall think best and proper, in the event of a removal from the present seat, it shall be the duty of the judge of the county court, so soon as suitable buildings are completed, to notify the clerks of the county and circuit courts of said county,

in writing to remove their offices, within thirty days from said notice mentioned.

Sec. 12. *And be it further enacted*, That it shall be the duty of the clerk of the county court, to make complete record of the records of the proceedings under this act, in a well bound book, by him to be kept for that purpose. Clerk of county court to make record of the proceedings.

Sec. 13. *And be it further enacted*, That all acts and parts of acts, coming within the purview of this act be, and the same are hereby repealed. Repeal.

Approved, December 7, 1833.

[No. 8.]

AN ACT

To incorporate the town of Oakville in the county of Lawrence.

Section 1: *Be it enacted by the Senate and House of Representatives, of the State of Alabama in General Assembly convened*, That the town of Oakville, in the county of Lawrence, be, and the same is hereby incorporated, with all the powers, rights and liberties, and subject to all the restrictions, contained in the act of incorporation, for the town of Moulton, in said county. In corporated.

Sec. 2. *And be it further enacted*, That William Hodges, Dennis Lindsay and Samuel White be, and they are hereby authorized to hold an election for officers for said town, on the first week in May next.

Approved, December 9, 1833.

[No. 9.]

AN ACT

To repeal an act, entitled an act allowing the Tax Collector of Covington County twenty five per centum, on the amount of the County Taxes of said County: passed on the 29th of December, 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the above recited act, as allows the tax Collector of Covington county twenty five per centum, on the amount of County tax be, and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted*, That the compensation now allowed by law, to the assessors and tax collectors in the different counties of this State, be and the same is hereby allowed for like services, to the assessor, and tax collector of Covington county. Compensation.

Approved, December 9, 1833.

[No. 10.]

AN ACT

To authorize David Carter to collect the taxes, and take the census of the citizens of Macon county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That David Carter be, and he is hereby authorized and required to collect the taxes of the county Macon, and take the census thereof, and make return of the former on or before the first day of March next, and of the latter on or before David Carter to take the census and taxes of Macon.

the first day of January next, upon his giving bond with good and sufficient security, for the faithful discharge of the duties required of him by this act, in such sum as may be approved of by any justice of the peace of said county; and as a remuneration for the services required of him by this act, he shall receive the same compensation as other tax collectors and census takers of this State are entitled to receive for similar services, and the same shall be paid in like manner. Approved, December 10, 1833.

[No. 11.]

AN ACT

For the relief of Monroe county.

WHEREAS, in consequence of the destruction of the court house of Monroe county, by fire, a total loss of all the records and papers of said county has been sustained: for remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court of Monroe county, together with two fit and proper persons, to be by him selected, are hereby appointed commissioners to take testimony as to all wills, deeds, mortgages, or other papers heretofore recorded in the office of the county court of the aforesaid county; and so make such a record thereof, in a book to be kept for the purpose, as the said testimony shall authorize: *Provided,* that the several parties concerned in such will, deed, mortgage, or other paper, shall be cited before the said commissioners, to prosecute or defend the same, by a citation to be served on each of them, at least ten days before their time of meeting.

Commissioners to take testimony as to wills, deeds &c.

Proviso.

Testimony taken by Commissioners.

Courts to issue notice on application of party interested to party defendant.

Sec. 2. *And be it further enacted,* That in all suits now or to be instituted on any such will, deed, mortgage or other paper, provided for in the first section of this act, the testimony so taken and recorded by the commissioners aforesaid, shall be *prima facie* evidence on the trial of such suits.

Sec. 3. *And be it further enacted,* That on all unsatisfied judgments, orders or decrees, heretofore granted by the several circuit or county courts of the county of Monroe, the records whereof have been destroyed, it shall be the duty of the said courts in which such judgment, order or decree may have been entered, on the application of any person interested therein, his, her or their agent or attorney, to order a notice in writing to issue, calling upon the party or parties, defendant to such judgment, order or decree, to shew cause on the return thereof, why such judgment, order or decree should not be re-entered and execution issue therein; and if sufficient cause be not shewn, the said court shall order such judgment, order or decree to be re-entered, and execution shall issue on the same,

Execution to issue.

subject, moreover, to all offsets to be produced against the same on the hearing of such notice.

Sec. 4. *And be it further enacted*, That in all suits which have been commenced in the said several circuit or county courts of said county, the papers connected with which have been burned, it shall be lawful for the parties concerned in the same either as principal, agent or attorney, to file a statement on oath, setting forth the cause of action, declaration, plea or other paper so destroyed, which statement shall stand in lieu of and be subject to the same legal defence with the originals of the same: *Provided however*, that either party, against whom such statement may be filed, shall be allowed to deny on oath, the truth of such statement, when the court shall insist on further proof.

Where process burnt, plaintiff may file statement of cause of action on oath.

Party defendant may deny on oath.

Sec. 5. *And be it further enacted*, That the judge of the county court, of Monroe county, shall be and he is hereby authorized to call upon any executor, administrator or guardian, who may have qualified in the county aforesaid, and where the administration or guardianship has not been removed, to make such returns as he may think proper, of assets, effects or property in their or each of their hands or possession, belonging to the estates on which they or each of them may have qualified, and to enforce such return under the penalties of an attachment for contempt.

Judge of county court may call upon administrator and guardian.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for the judge of the county court, of Monroe county, to call upon any person or persons who may have given bond before the said court, and where the same has been destroyed, to give a new bond in conformity with the law under which the same may have been required; and should any person or persons refuse to give such bond when required so to do, he or they shall vacate the office in which they may have severally qualified; and secondary evidence of the existence of such bond shall be received in any suit or process issued or prosecuted against any such person or persons: and on all bastardy or other bonds, the office connected with which cannot be vacated, the said judge, on the refusal of the obligor of such bond to renew the same, shall be authorized to receive secondary evidence of the existence of such bond, and to issue all the usual process or execution required by law to be issued thereon.

Judge of county court may call upon all persons who have given bonds which have been destroyed.

Bastardy bonds to be renewed.

Sec. 7. *And be it further enacted*, That the commissioners, and each of the several parties named in this act, shall be and they are hereby authorized to compel an attendance of any witness or witnesses, under the usual penalties now provided by law.

Commissioners may compel attendance of witnesses.

Sec. 8. *And be it further enacted*, That should the judge of the county court of Monroe county be unable, from the loss

Judge of county court if unable to hold

next term,
may hold an
extra term.

Ten days no-
tice of such
extra term to
be published
in each beat.

Commission-
ers' fees.

of papers or other cause, to hold the next term of the county court for civil business, he shall be and is hereby authorized to hold an extra term for the disposal of the business of said term, and all process whatever, returnable and triable at said regular term, shall be returnable to and triable at such extra term; and the said judge shall cause a notice of the time of meeting of such extra court, to be published in each beat of said county, at least ten days before the meeting of the same.

Sec. 9. *And be it further enacted*, That the said commissioners shall be entitled to receive out of the county treasury of Monroe county, the sum of two dollars, for each day they may be engaged in the performance of the duties required by this act; and the said judge of the county court shall receive, for recording the testimony so taken before the said commissioners, the sum of one dollar in each case, to be paid by the party applying to have such testimony recorded.

Approved, December 12, 1833.

[No. 12.]

AN ACT

To provide for the payment of the commissioners of the sixteenth sections in the County of Lawrence.

County court
to pay 16th
sec. com'rs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court, for the county of Lawrence; be and he is hereby authorized to make such allowance and compensation to the commissioners of the several sixteenth sections in said county, as may have or hereafter may be sold, as he may think reasonable, to be paid out of the proceeds, arising from said sections, by rent, lease or sale thereof.

Approved, December 13, 1833.

[No. 13.]

AN ACT

To provide for the payment of jurors in the county of Lawrence.

Pay of jurors
of county and
circuit court
of Lawrence
county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the jurors summoned to attend the circuit and county courts, for the county of Lawrence, shall receive one dollar and fifty cents per day, during their attendance on said courts as jurors.

Approved, December 13, 1833.

[No. 14.]

AN ACT

To authorize the commanding officers of the 25 Regiment of Alabama Militia, to form a Company Beat, with a less number of privates than forty, in the county of Henry.

Company
with less than
40 authorized
in the 25th re-
giment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Colonel J. T. M'Clendon and Lieutenant Colonel Benjamin Kirkland be and they are hereby authorized and required to form a com-

pany beat of militia in the north west corner of Henry county, known as Heeth's settlement, and the company so formed shall be so officered in like manner, as other company beats are in this State.

Sec. 2. *And be it further enacted*, That Colonel Seaborn Leabetter and Major William S. Foster, be and they are hereby authorized and required to form a company beat of militia, in the south west corner of Dale county, known as Brockston's settlement, with a less number of privates than forty.

Come any
beat in Dale
with less than
0.

Approved, December 16, 1833.

No. 15.]

AN ACT

Authorizing the appointment of an Overseer of the roads of the Town of Russellville, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the judge of the county court and commissioners of roads and revenue, of the county of Franklin, to appoint an overseer of roads for the town of Russellville, at the same times, and in the same manner, as overseers of roads are appointed for said county.

An overseer
of roads for
Russellville
appointed.

Sec. 2. *And be it further enacted*, That hereafter an act entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways; passed January 12th, 1827, and all general laws now in force, or hereafter to be enacted on the same subject matter, shall, so far as applicable and not herein otherwise directed, be in full force and effect in the said town of Russellville, any thing in the acts of incorporation thereof to the contrary notwithstanding.

Road acts to
have effect in
Russellville.

Sec. 3. *And be it further enacted*, That all persons liable to work on roads residing within the distance of one half mile of the court house, in said town, within the corporate limits thereof, or not, shall, under the control and direction of said overseer and without appointment of hands, be liable to work on the roads and streets of said town, and on all public roads to the distance of one half mile, from the said court house, and not elsewhere; all other overseers and hands are hereby exempted from working on the same.

Who liable to
work.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed,

Approved, December 16, 1833.

[No. 16]

AN ACT

To amend an act approved the 24th day of December, 1824, to establish a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Privilege to
Wyatt Cheat-
ham.

convened, That from and after the passage of this act, Wyatt Cheatham and his associates and his or their heirs, shall have all the benefits and profits arising from the toll on said road for twenty years, under the provisions of the above recited act, to which this is an amendment.

Sec. 2. *And be it further enacted*, That the sixth section, of the above act recited, is hereby repealed.

Approved, December 16, 1833.

[No. 17.]

AN ACT

To repeal an act, passed on the 12th day of January, 1833, untitled an act to compensate patrols for their services in the County of Madison.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act be, and the same is hereby repealed.

Approved, December 16, 1833.

[No. 18.]

AN ACT.

To incorporate the Manual Labor Institute in Perry County.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama in General Assembly convened*, That Martin A. Lea, David M'Cullough, Levi Langdon, Robert Nall, Patrick May, James Hillhouse, Isaac Hadden, John Miller, Thomas Alexander, Francis H. Porter, William E. Blassingame, Robert W. B. Kennedy, Richard B. Walthall, John H. Gray, Edwin D. King, William Stringfellow, Sidney M. Goode and Robert M. Garvan, and their successors in office, be, and they are hereby constituted a body corporate by the name and style of the trustees of the Manual Labor Institute of South Alabama; and by that name shall have full power and authority, to have and use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, plead and be impleaded, in all kinds of actions in law or equity, to receive donations and to purchase property, both real and personal, in value not exceeding three hundred thousand dollars, which shall enure to them and their successors forever; and to sell alien and dispose of the same, and to pass all such by laws, rules and regulations, as the said corporation may deem expedient, for the good government of the said institution and of their own proceedings; the same not being repugnant to the constitution and laws of the United States or of this State.

Style.

Powers.

Quorum.

Appointment
of officers.

Vacancies.

Sec. 2. *And be it further enacted*, That seven trustees shall constitute a quorum for the transaction of business, and shall have power to appoint a president, a secretary and treasurer, and such other officers as may be deemed necessary for said institution, and to prescribe the duties of each; to fill all vacancies that may occur in the board of trustees, from death or resignation, to appoint all necessary committees, and to act and

do all things whatsoever, in as ample a manner as any person or body politic or corporate can or may do by law.

Sec. 3. *And be it further enacted*, That there shall be a stated meeting of the board of trustees in each year, at the time of conferring degrees, and that the President of said board of trustees shall have full power to call an occasional meeting of the board whenever it shall appear to him necessary. Stated meetings to be held at the time of conferring degrees.

Sec. 4. *And be it further enacted*, That the head of the institution shall be styled the president, and the instructors thereof the professors; and the president and professors or a majority of them, the faculty of the Manual Institute of South Alabama; which faculty shall have the power of enforcing the ordinances and by laws adopted by the trustees for the government of the students, by rewarding or censuring them, and finally by suspending them until, a determination of the board of trustees can be had, but it shall be only in the power of the trustees at their stated meetings to expel any student or students of the said institute. Faculty. Trustees to expel

Sec. 5. *And be it further enacted*, That the trustees, at their stated meetings, shall have full power, by the principal or professors of the said institution, to grant or confer such degree or degrees in the arts and sciences, to any of the students of said institution or any person by them thought worthy, as are usually granted and conferred in other colleges in the United States, and to give diplomas or certificates thereof, signed by them and sealed with the common seal of the trustees of the said institution, to authenticate and perpetuate the memory of such graduations. Degrees, how conferred.

Sec. 6. *And be it further enacted*, That the trustees shall have the power of fixing the salaries of all the officers connected with the said institution, and of removing them for neglect, incompetency or misconduct in office, a majority of the whole number of trustees concurring in said removal. Salary. Removals.

Sec. 7. *And be it further enacted*, That the said trustees shall have power to define the rates of tuition, and the same to increase or diminish at pleasure; to appoint the time of their own meetings, and to determine the place at which said institution shall be located; which shall be in Perry county. Tuition. Location.

Approved, December 16, 1833.

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AN ACT

[No. 19.]

To revive and continue in force an act to incorporate the Town of Selma, in the County of Dallas, passed December 4th, 1820.

WHEREAS, it is the opinion of a large portion of the citizens of said town, that the act of incorporation has been forfeited, and that no election for members of council can be legally holden: Preamble.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the act to incorporate the town of Selma in the county of Dallas, passed December fourth, 1820, and all other laws, in relation to said town not heretofore repealed be, and the same are hereby revived and continued in full force, so far as the same are not repugnant to this act.

Sec. 2. And be it further enacted, That the next election for councillors, for said town, shall be held at the house of Samuel H. Bogle, in said town, on the first Monday in March next, under the superintendence and management of Gilbert Shearrer, John B. Jones, Hugh Ferguson, James Douglass, John Simpson and P. J. Weaver, or any three of them under the same rules, regulations and restrictions, as are prescribed in the before recited act.

Sec. 3. And be it further enacted, That the said act of incorporation shall not be forfeited, or vacated by any failure to elect commissioners of said town, and the president and commissioners and other officers of said town shall hold their offices until their successors are qualified.

Approved, December 16, 1833.

[No. 20.]

AN ACT

Specifying the distance of residence from the seat of justice, that the judge of the county court of St. Clair county may reside.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the first Monday in February next, the judge of the county court of St. Clair county shall reside within five miles of the court house of said county.

Sec. 2. And be it further enacted, That whenever the judge of the county, named in the first section of this act, shall or may remove without the limits specified by this act, he shall vacate his office.

Approved, December 16, 1833.

[No. 21.]

AN ACT

To permanently locate the seat of justice in the county of Talladega.

Section. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Talladega Battle Ground, the Ford of the Talladega creek or the widow Anson's place and Mardisville, be, and they are hereby designated as eligible sites to be voted for as the seat of justice for the county of Talladega.

Sec. 2. Be it further enacted, That it shall be the duty of the sheriff of said county of Talladega, and he is hereby required to hold an election on the second Monday in January next, at the several election precincts in said county of Talladega: *Pro-*

vided, the said sheriff shall give ten days notice, by advertising the time of holding said election, in three or more public places in said county, putting in nomination the several places to be voted for, by embodying the first section of this act in said advertisements.

Sec. 3. *And be it further enacted*, That each free white male person, who has attained to the age of twenty one years, who has been a permanent citizen of Talladega county three months previous to said election, shall be deemed qualified electors to vote at said election; *Provided*, that the managers of said election, at each election precinct in said county, shall administer an oath to every person offering to vote at said election, under the provisions of this act, unless the person offering to vote is known to some of the managers of said election, to live in the county three months previous to the day of election.

Who shall be entitled to vote.

Oath to be administered to voters.

Sec. 4. *And be it further enacted*, That if any person shall vote at either of the elections mentioned in this act, who are not entitled to vote, agreeable to the provisions of this act, he or they shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, in any court having jurisdiction thereof in said county; one half of said penalty to go to the use of the informer, and the other half, to the use of the county of Talladega.

Penalty for an unqualified person voting

Sec. 5. *And be it further enacted*, That if on comparing the polls of said election, it shall appear that no place nominated as aforesaid, shall have received a majority of all the votes given in said election, it shall then be the duty of the sheriff of said county, to hold a second election on the first Monday after the second Monday in January next, subject to the same rules and regulations as are provided for in the second section of this act; putting in nomination the two highest places voted for as aforesaid, having received the highest number of votes, and the seat nominated, receiving the highest number of votes at said second election, shall be the permanent seat of justice for the county of Talladega: *Provided*, nothing in this act contained, shall authorize the establishment of the site selected in the mode herein prescribed, as the seat of justice for said county, unless the title to the same can be acquired by the said county, by purchase or otherwise.

No place having received a majority of votes, sheriff to hold second election.

Sec. 6. *And be it further enacted*, That after said election or elections to be held as aforesaid, it shall be made the duty of the said sheriff of Talladega county, forthwith, to return the site elected, to the judge of the county court for said county, who shall upon receiving said return, proceed to, and he is hereby required to, appoint five good and competent commissioners,

Sheriff to make return of site to the judge of county court.

Judge of county court to appoint commissioners.

Commissioners duty.

living contiguous to, or in the neighborhood of said seat of justice, whose duty it shall be and they are hereby authorized, or a majority of them, on receiving notice of such appointment, to proceed to dispose of any and all such real estate as the said county may receive by donation, purchase or otherwise, by laying off said real estate into suitable lots, and offer them for sale, at public auction, as soon as practicable, after advertising the time of said sale, in two of the public newspapers printed in this State, at least four weeks previous to said sale, or longer, if the said commissioners think proper, on a credit of one and two years; and the said commissioners shall further have power and authority to contract for all the necessary public buildings for said county, shall have directions of their several constructions, and superintend, reject or receive the same when completed.

Commissioners oath.

Sec. 7. *And be it further enacted*, That the commissioners appointed as aforesaid, shall meet and enter upon the duties herein assigned them as early as practicable, after notice of such appointment: *Provided*, that the commissioners, before entering upon their duties, shall take and subscribe the following oath, to wit: I do solemnly swear or affirm, (as the case may be) that I will well and truly perform all the duties required of me, by this act, as commissioner for the said county of Talladega, to the best of my skill and ability, without favor or partiality, so help me God.

Managers of election to preserve list of votes and tickets for 20 days.

Sec. 8. *And be it further enacted*, That it shall be the duty of the managers of each of the election precincts, in said county of Talladega, to preserve a list of the votes given at each precinct, together with the tickets, for the space of twenty days; and in the mean time, if either of said elections should be contested, it shall be the duty of said managers of said election or elections, after having had notice thereof, to return to the judge of the county court of said county, a list of the votes, together with the tickets given at the several precincts; and it shall then be the duty of said judge to summon two justices of the peace, or two respectable house holders, to appear before him, at a certain time and place, by him stated, to sit together and determine said contest, by purging the polls of said election.

How polls to be purged.

Sheriff's duty in case first election be contested.

Sec. 9. *And be it further enacted*, That in case the first election, mentioned in this act, should be contested, and the time consumed, in determining said contest, shall pass the time fixed in this act for holding said second election, in that case, it shall be the duty of the sheriff of said county, as soon as the contest is determined, to fix on another time for holding said second election, to be held as soon as practicable in strict pursuance of this act, on giving ten days notice.

Sec. 10. *And be it further enacted*, That it shall be the duty of the judge of the county court of said county, to fill all such vacancies as shall occur by death, resignation, or refusal to act, with any of the commissioners appointed by this act, shall be vested with all the power and privileges of, and subject to the same restrictions, that their predecessors were subject to. Judge of county court to fill vacancies.

Sec. 11. *And be it further enacted*, That the place selected for the seat of justice for Talladega county shall be known as the permanent seat of justice of Talladega county. Permanently establishing the seat of justice.

Sec. 12. *And be it further enacted*, That the managers of said election shall before entering on the duties required of them by this act, take the following oath, to wit: we do solemnly swear, that we will perform the duties required of us by this act, to the best of our skill and ability, without favour or partiality, so help me God. Oath of managers of election.

Sec. 13. *And be it further enacted*, That all laws and parts of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed. Repeal.

Approved, December 18, 1833

[No. 22.]

AN ACT

To appoint a commissioner for the county of Russell, to fill the vacancy occasioned by the death of Hardiman Owens.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That John G. Worsham is hereby appointed a commissioner of Russell county, to fill the vacancy occasioned by the death of Hardiman Owens. John G. Worsham appointed.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, the said John G. Worsham, after complying with the provisions of the act passed and approved January 12th, 1833, shall be guided by said act in his official duties, so far as said act is applicable to Russell county.

Approved, December 18, 1833.

[No. 23.]

AN ACT

To continue in force an act entitled an act to establish a public road from the house of John Gandy in Morgan county, to Baltimore or Morgan's Springs in Blount county, passed December 23rd, 1822; also, a bill to be entitled an act to continue in force, an act entitled an act to establish a public road from near Baltimore in Blount county, to where it intersects the Blountsville road to Tuscaloosa, near the town of Elyton, in Jefferson county, passed December 9th, 1823.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited acts be, and the same are hereby declared to be and continue in force, under all the regulations contained in said acts, until the 23rd day of December, one thousand eight hundred and forty five. Act revived.

Sec. 2. *And be it further enacted*, That all laws and parts of

laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, December 18, 1833.

[No. 24.]

AN ACT

To authorize the instruction of certain free persons of color therein described.

Preamble.

WHEREAS, there are now residing in the city and county of Mobile and Baldwin, many free colored creoles of said city and counties, whose ancestors were residing therein the time of the change of the flag, and to whom, by the treaty entered into between the French republic and the United States of America, in 1803, were secured the enjoyments of all the rights, advantages and immunities of citizens of the United States: and whereas the said colored creoles have heretofore conducted themselves with uniform propriety and good order, and are anxious to have their offspring educated: therefore,

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the mayor and aldermen of the city of Mobile shall have power to authorize and license such person or persons, as they may deem suitable to teach and instruct, for limited periods, the free colored creole children, residents within the limits of the city and counties of Mobile and Baldwin, who are descendants of those persons who were residents of the said city or counties, at the time the treaty made between the French republic and the United States of America, in April, 1803, was ratified: *Provided always,* that none of the colored children shall be so taught and instructed, until they shall first have the permission of the said mayor and aldermen of the city of Mobile, and they shall have recorded the names of such children in a book to be kept by them for that purpose.

Mayor and Aldermen of the city of Mobile to have certain free colored children in Mobile and Baldwin instructed.

Provided.

Approved, December 23, 1833.

[No. 25.]

AN ACT

To organize the County of Coosa, and to locate the Seat of Justice.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Alfred Mahon, Larkin Cleveland, Simeon Chapman and George Taylor be and they are hereby appointed commissioners for the county of Coosa, who together with the judge of the county court shall have power to locate the seat of justice for said county: *Provided,* it shall be their duty to select the most eligible site at or as near the centre as practicable, and the site by them so selected shall be the permanent seat of justice for said county, and be called and known by the name of Lexington: *Provided,* nothing in this act contained shall authorize the establishment of the site selected as the seat of justice of said county, unless the title to the same

Commissioners appointed to select site.

can be acquired by said county by purchase, or otherwise, and: *Provided*, that the site so selected by the commissioners shall be within eight miles of the centre of said county.

Sec. 2. *And be it further enacted*, That said judge of the county court and commissioners shall have power to manage any and all real estate, that may acerue to said county by purchase, donation, or otherwise.

Commissioners and judge of county court to manage county lands.

Sec. 3. *And be it further enacted*, That it shall be the duty of said judge and commissioners, to have said estate laid off into lots of convenient size, and after reserving the necessary public lots, offer the residue thereof at public auction, on a credit of one and two years; requiring of the purchasers, bonds with approved security: *Provided*, they shall first give notice of such sale by advertising the same in at least two public newspapers, printed in this State, for the space of thirty days, and the funds arising therefrom shall be by them applied to the use of the public buildings.

Shall have the same laid off in lots.

Thirty days notice of sale to be given.

Sec. 4. *And be it further enacted*, That it shall be the duty of said judge of the county court, and commissioners, to open and hold an election on the second Monday in February next, for a sheriff, a clerk of the circuit court, a clerk of the county court, an assessor and tax collector, and four commissioners of roads and revenue for said county, which election shall be held at the different precincts in said county, and according to the rules and regulations now established by the laws of this State for holding elections: *Provided*, that said commissioners shall before entering upon the duties as commissioners take and subscribe the following oath, viz: I do solemnly swear, that I will well and truly perform all the duties required of me, as commissioner for the county of Coosa, to the best of my skill and ability, so help me God.

Commissioners and judge of county court to hold election.

Oaths of commissioners.

Sec. 5. *And be it further enacted*, That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, December 24, 1833.

(No. 26.)

AN ACT.

To provide for the payment of Jurors of the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter on all suits determined in the circuit courts in the county of Pickens, the successful party shall in open court, and before the jury retire, pay to the foreman or juror who announces the verdict of the jury, the sum of two dollars, which said sum of two dollars shall be equally divided among the jurors now by law entitled to receive the same.

Pay of Jurors in Pickens.

Sec. 2. *And be it further enacted*, That the clerk of the

said circuit court, of the county of Pickens, shall in no case enter up judgement, unless the successful party shall pay the sum of two dollars. as prescribed by the first section of this act.

Sec. 3. *And be it further enacted*, That the sum of two dollars, paid by the successful party in the manner prescribed by the first section of this act, shall be taxed by the clerk on the execution, and when collected shall be paid to the said successful party.

Repeal.

Sec. 4. *And be it further enacted*, That the sum of two dollars, paid in the manner as prescribed by the first section of this act, shall stand, and be in lieu of the one dollar now by law required to be paid, and the three dollars and county tax fee, formerly by law required to be paid; any law to the contrary be and the same is hereby repealed.

Approved, December 24, 1833.

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(No. 27.)

AN ACT

For the relief of Benjamin Marshall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* *convened*, That Benjamin Marshall, of the county of Russell in this State, be and he is hereby made a competent witness in any court of record in the State, and before any person authorized to administer an oath, in all cases, except those in which he is rendered incompetent by some known rule of evidence.

Approved, December 24, 1833.

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[No. 28.]

AN ACT

To organize the militia of Clarke county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* *convened*, That from and after the first day of February next, the militia composed of the twenty seventh and thirtieth regiments be, and the same is hereby consolidated and known as the thirtieth regiment.

27 and 30th regiments consolidated.

Two volunteer companies allowed.

Sec. 2. *And be it further enacted*, That the regimental court martial, held under the provisions of this act, shall arrange company beats in such manner, as to authorize two volunteer companies in said regiment.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 1, 1824.

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[No. 29.]

AN ACT

To secure the payment of tales jurors in the county therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* *convened*, That hereafter all tales jurors who shall serve either

in the circuit or county courts of Autauga county shall be paid the sum of one dollar per day, to be paid out of any money in the county treasury not otherwise appropriated.

Pay to tales jurors in Autauga.

Sec. 2. *And be it further enacted*, That it shall be the duty of the treasurer of said county, to retain in his hands a sufficient sum of money out of the county tax of said county, to pay all the jurors which are by law required to be summoned for the said county; and that the said county treasurer shall attend on the last days of said courts, to pay the certificates which shall be given by the clerks of the said courts, to the jurors of the same.

Treasurer to retain a certain fund.

Approved, January 3, 1834.

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AN ACT

[No. 30.]

For the relief of William Martin late assessor and collector of the county of Dale.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the comptroller of public accounts to issue his warrant in favor of William Martin, late assessor and collector of the county of Dale, for forty five dollars and fifty two cents, being the amount paid by him into the treasury of this State, over the taxes collected by him for the year 1832, which sum shall be paid out of any money in the treasury, not otherwise appropriated.

Approved, January 3, 1834.

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AN ACT

[No. 31.]

Authorizing the Judge of the County Court and Commissioners of Roads and Revenue of the County of Franklin to levy a county Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That the judge of the county court and commissioners of roads and revenue of the county of Franklin are hereby authorized to levy a county tax, not to exceed one hundred per cent on the present rate of State tax, for the purpose of paying the claims against said county, any law to the contrary notwithstanding.

Tax not to exceed 100 per cent of State tax.

Approved, January 3, 1834.

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AN ACT

[No. 32.]

For the relief of Isaac H. Roberts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of four hundred dollars be, and the same is hereby appropriated for the compensation of Isaac H. Roberts, for his services in apprehending and bringing to justice Ephriam Wassen. charged with murder; payable out of any money in the treasury not otherwise appropriated, and the comptroller is hereby directed to issue his warrant on the treasurer for the same.

Approved, January 10, 1834.

To Incorporate the Hibernian Benevolent Society of Mobile.

Preamble.

WHEREAS, a society has been formed in the city of Mobile, under the name of the Hibernian Benevolent Society of Mobile, for the purpose of extending benevolence to the natives of Ireland, and their offspring who may be in distress, which laudable object it is expedient to promote, therefore:

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Philip M'Loskey president, John B. Hogan 1st vice president, John E. O. Connel 2nd vice president, George F. Cumming treasurer, Thomas J. O. Connor secretary, and the members composing the association aforesaid, and their successors, are hereby incorporated as a body politic, and corporate in deed and in law; by the name and style of the Hibernian Benevolent Society of Mobile; and by said name and style, shall be known and recognized as a body corporate, and shall have perpetual succession of officers and members.

May make by laws.

Sec. 2. *And be it further enacted,* That the officers and members of said corporation and their successors shall have power to adopt, establish, ordain and make such rules, regulations, by laws and ordinances, for the government of said society, and of the officers and members thereof, from time to time, as they shall think proper for the purpose of effecting and promoting the objects for which the association was formed, and to alter the same at their pleasure, and shall and may have a common seal, which they may break and alter at pleasure; and shall have all the necessary powers to carry the object of the said association into full effect: *Provided,* that such rules and regulations shall not be repugnant to the constitution and laws of the United States, or of the State of Alabama.

To have a common seal.

To hold real and personal estate.

Sec. 3. *And be it further enacted,* That the said corporation, under the name and style aforesaid, shall be able and capable in law to purchase, have, hold, possess and enjoy to itself in perpetuity, or for any term of years, any estate real or personal of whatever kind or nature, and to sell, alien or dispose of the same as the association may think proper, and by its name aforesaid, may contract sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, and have all the rights and privileges incident to bodies corporate: *Provided however,* that the said corporation shall not have or possess property real or personal, to a greater amount in the whole than twenty-five thousand dollars.

Proviso.

Approved, January 10, 1834.

To establish the Moulton Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Re-*

representatives of the State of Alabama in General Assembly convened, That William Latch, as president, with Isaac Nowen, John Gregg, Patrick Oneal, John Galliger, David M. Hunter, John S. White, Hugh Weir, Samuel Baker, James W. Talmage, William Prewit, James M. Menis and Jeremiah W. Thomas, as directors, with their associates and successors in office, be, and they are hereby made a body politic and corporate, in deed and in law, by the name and style of the Moulton railroad company; in which name, they and their successors in office, are hereby made capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this State, or elsewhere; to purchase, receive, and hold, sell, convey and confirm, real or personal estate as natural persons; to have and use a common seal; to alter and change the same at pleasure; to pass such by-laws and ordinances for the good government of said corporation, as to them shall seem proper, and generally to do and perform all acts, matters and things necessary to carry into full and complete effect, the objects of this act: *Provided*, that the amount of real and personal estate owned by said company shall in no event exceed the sum of three hundred thousand dollars.

Sec. 2. *And be it further enacted*, That the president and directors, hereby appointed, shall continue in office until the third Monday in January, one thousand eight hundred and thirty four, on which day the stockholders, heretofore subscribed, shall meet in the town of Moulton, and elect thirteen directors, stock holders in said company, one of whom shall be chosen president by the board, and shall continue in office, after having taken an oath for the faithful performance of their duties as such president and directors, until the third Monday in January next after their said election, and until their successors shall be chosen and qualified; which election shall be made on the third Monday in January annually, or in one month thereafter, by the stockholders, each stockholder having one vote for every share of stock held in said company: *Provided*, that no stockholder shall be entitled to more than one hundred votes.

Stockholders,
to elect 13 di-
rectors.

Each share
entitled to one
vote.

Sec. 3. *And be it further enacted*, That the president and directors of said company, shall have power to borrow money, contract debts, and be contracted with upon the credit of the stock thereof, and to pledge personal or real estate for the payment of their debts; and to appoint such officers, or agents as they may think necessary; and after their organization and first election of directors, may require such instalments as they may consider best for the interest of said company: *Pro- vided*, that not more than one third of any subscription shall be required in any one year: and the estate of each individual

Powers of
President and
Directors.

Liability 68

stockholder and his stock shall be liable for the debts of this company, in proportion to the amount of his stock.

Basics of subscription. Sec. 4. *And be it further enacted,* That the president and directors of the said company, after they shall have been organized, may open books for subscription for stock, and thereby raise such sum, if any, as may be required to complete said road, not to exceed one hundred thousand dollars. And all the stock subscribed shall be divided into shares of one hundred dollars each, and may be transferred, which transfer shall be entered on the books of said company, and the holder thereof shall be entitled to all the benefits and subject to all the liabilities of an original stockholder, and on failure of any stockholder to pay the amount upon his stock in pursuance of any call made by the president and directors, within sixty days after such call, they shall be authorized to sell said stock, at not less than par value, for the amount so due, and said stock shall be deemed and considered in law as personal property.

How stock to be transferred

On failure of payment, stock to be sold.

Where road to commence.

How damages are to be assessed, &c.

Right of appeal and proceeding thereon.

Sec. 5. *And be it further enacted,* That the said president and directors shall have the right to commence said road, either at the town of Moulton, or at its point of intersection with the Tusculum, Courtland and Decatur rail road, as they may think most to the interest of said company. They shall be authorized to receive conveyances of land, stone, gravel, &c. for the construction of said road; and when the owner is an infant, non resident or *non compos mentis*, the president and directors of said company may apply to any justice of the peace for a warrant, directed to the sheriff of the county, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages under the same rules and regulations now established by law in relation to other roads, and said jury shall forthwith assess the value of said land, stone, gravel, timber, &c. subject to the right of appeal, to the circuit court by either party, where the trial shall be *de novo* by a jury; and the sheriff shall return the same to the office of the clerk of the county court, of the proper county, and at the next term of the commissioners court the same shall be affirmed, if no objection; and if the court shall set the same aside, they shall order a new writ; and the assessment made in pursuance thereof shall be final, and the land, &c. so contracted for or condemned shall inure to said company for fifty years upon the payment of said money to the person contracted with or into court as the case may be; and the whole proceedings shall be entered of record in said county court, at the expense of said company *Provided, however,* the said work shall in no wise be delayed by the proceedings had as aforesaid;

but the said company on tendering the sum to which the land, stone, gravel or timber shall have been valued, to the owner, or depositing the same in the office of the clerk of said court may proceed with said work; *And provided further*, that no right shall exist in said company, to pull down or remove any dwelling house without the consent of the owner. *And also provided*, said road shall not be commenced until the consent of the Tuscumbia, Courtland and Decatur rail road company shall first be obtained by the company hereby incorporated. Provide.

Sec. 6. *And be it further enacted*, That said company, after having the tract surveyed for their road, may proceed to let the same to contract in such sections as they may think best, on giving sixty days notice of the time and place of letting out said contracts: *Provided*, said company shall in no wise exercise banking privileges; and shall begin said work in two years and complete the same in ten years, or forfeit their charter hereby given. Shall let the road to contracts on 60 days notice.

Sec. 7. *And be it further enacted*, That said president and directors, shall have power to call meetings of the stockholders at any time, stating in the call the business to be transacted, and no other business shall be done at said called meeting; a majority of the stockholders, in value either in person or by proxy, shall be necessary to transact business; at any meeting of the stock holders, a majority of them shall have power to remove the president or any director, and appoint others in their stead; and in case of the death, resignation, or refusal to act, of the president or any director, the residue shall have power to fill such vacancies until the next annual meeting of the stockholders, and shall have power at pleasure to remove any officers agent or servant. Meetings of stockholders and how called. Vacancies how filled.

Sec. 8. *And be it further enacted*, That in the construction of said road, said company shall not obstruct or use the public roads or any of them, now or hereafter to be established, but shall provide suitable ways by which to cross said rail road. Shall not obstruct public road.

Sec. 9. *And be it further enacted*, That said president and directors, at each annual meeting, shall exhibit to the stockholders a clear and distinct statement of the affairs of the company; and shall annually or semi-annually declare dividends of the nett profits arising from said road, which shall be divided amongst the stockholders in proportion to their respective shares. Annual meeting and dividends.

Sec. 10. *And be it further enacted*, That the said road, and all works, improvements and machinery for transportation, used on said road, are hereby vested in the company, and their successors, who shall have the same right to sue for any trespass or injury done to the same, as is provided by law for individu-

als in like cases: the State hereby expressly reserves the right to purchase said rail road at par value of the stock thereof, with all cars and machinery thereunto belonging at the end of fifty years from the date hereof, or at the expiration of every ten years thereafter.

Toll

Sec. 11. *And be it further enacted*, That after the completion of said road or any part thereof, the said president and directors may lay and collect toll from all persons, property or merchandize or other commodity transported thereon: *Provided*, that said toll shall never amount to more than twenty five per cent upon the amount of stock of said company.

Approved, January 10, 1834.

[No. 35.]

AN ACT

Supplemental to an act, entitled an act, to permanently locate the seat of Justice in the County of Talladega.

Elections
when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of said act, to which this is a supplement, as requires the elections of a site for a permanent seat of justice in said county, to take place on the second Monday in January, instant, and the first Monday thereafter, be, and the same is hereby repealed; and instead thereof, it shall be the duty of the sheriff of said county, to hold said first election on the fourth Monday in January, instant; and in case of a second election being necessary, under the provisions of the act to which this is a supplement, the said sheriff shall hold said second election, on the second Monday in February next: *Provided*, that should a contest take place, as supposed by the ninth section of said act, the sheriff aforesaid shall hold an election as contemplated by said ninth section, instead of one on the second Monday in February next, if necessary.

Approved, January 10, 1834.

[No. 36.]

AN ACT

To be entitled an act to authorize Mace T. P. Brindley, to Turnpike certain Roads therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Mace T. P. Brindley and his associates be, and they are hereby authorized and empowered to lay out and open two roads by the most eligible routes, which they have or may hereafter discover, from whatever place or places, he the said Brindley or his associates may think proper, from the Southern Settlements in Morgan county, in the direction to Blount county, either of which may intersect such public roads now or hereafter to be established by the county courts of Blount and Morgan counties, as the said Brindley and his

associates may think the nearest and best, which roads or either of them are hereby established a turnpike road or roads.

Sec. 2. *And be it further enacted*, That Elijah M'Pherson, Lewis R. M'Pherson, William Nichols and Gregory Glascock, be and they are hereby appointed commissioners, any two of whom may legally act, to revive the Blount Spring's turnpike road, and that John Graves, William Moore, Joel Read, James Hendricks and Charles Holt, be and they are hereby appointed commissioners any two of whom may legally act to revive the Blountsville turnpike road, and if but two of said commissioners should act on either road, both in either case shall concur in opinion, but should they be unable to do so in either case, two out of three, or a majority of the whole five on either road, shall be required to determine in their opinion; the Blount Springs, or Blountsville turnpike road, as the case may be, is so opened or cleared of obstructions as to authorize the erection of turnpike gates respectively, and the reception of toll as hereinafter authorized.

Commissioners to revive Blount Springs turnpike.

Authorizing the erection of gates.

Sec. 3. *And be it further enacted*, That the commissioners appointed as aforesaid, shall be called on by the said Brindley and his associates, shall have power to make the examination contemplated by this act, and render to the said Brindley a report thereof in writing; they shall be authorized to demand and receive from the said Brindley and his associates a reasonable compensation for their services respectively, recoverable before any court having jurisdiction of the same.

Commissioners to make examination and report.

Compensation.

Sec. 4. *And be it further enacted*, That the county court of commissioners of roads and revenue of Blount county, shall annually after the erection of a gate on either of the said roads at their August term, have power to appoint a jury to consist of three respectable citizens of their county, who being first duly sworn properly to examine and impartially report the situation of both said roads to the next term of said court after their appointment, and if they report said roads or either of them not in as good repair as contemplated by this act, it shall be the duty of said court upon such report to order a notice to issue to the said Brindley and his associates, requiring them to set open said gate or gates, and not again demand toll until they shall have procured the report of three respectable citizens of said county, made on oath that said road, or roads is now in good repair as contemplated, and if on the contrary said report be, that either of said roads is not in good repair as required by this act, the said court shall have power to render up judgment and award execution for the costs of said examination, report, and notice given to each of said commissioners, what said court

Commissioners of roads & revenue annually to examine said roads.

When reported out of repair, gates to be opened.

may consider reasonable and right against said Brindley and associates.

Company
may bring
suit against
any person re-
fusing to pay
toll.

Sec. 5. *And be it further enacted*, That the said Brindley and associates, their agent or attorney, shall have power to bring suits and hold to bail, as in other civil actions before any court having jurisdiction either in Blount or Morgan counties, against any person or persons, who may attempt to evade payment of toll according to the rates hereinafter established, and if any one be convicted of liability and failure to pay such toll the judgment shall be rendered up for fourfold toll and costs, as in other cases made and provided, that on proof the road or roads, was not in repair as contemplated by this act the judgment shall be rendered up against the said Brindley and associates, for costs.

Rate of toll.

Sec. 6. *And be it further enacted*, That the said Brindley and associates are hereby authorized to establish gates on each or either of said roads, so soon as they procure the respective reports of the commissioners mentioned in the second section of this act and charge the following rates of toll, viz: for every four wheeled carriage, seventy five cents, for every two wheeled carriage twenty five cents, for every man and horse twelve and a half cents, for every horse and mule, six and one fourth cents, for every head of cattle, hogs or sheep, three cents.

Order of the
road.

Sec. 7. *And be it further enacted*, that the said roads shall be put and kept in the following order, to wit: cut out as may be reasonably required, at least twenty feet wide, ten feet of which shall be grubbed, and the banks of all creeks, branches and hills, put in such order, that loaded waggons can travel with convenience.

Company
may receive
toll for 16
years.

Sec. 8. *And be it further enacted*, That said Brindley and his associates, their heirs, assigns or transferees by keeping up said road, or either of them in good repair as required, by the seventh section of this act, to amend and receive the tolls aforesaid, for the space of sixteen years from the erection of said gate or gates respectively, *Provided*, that should said road or roads be impaired by hurricanes or otherwise, the said Brindley and associates opening the gate or gates, for the time being, may afterwards repair and charge toll again: And, *provided further*, that the said road or roads shall be commenced within one year from the passage of this act, and completed within three years thereafter, or forfeit the right hereby granted.

Citizens
Blount and
Morgan ex-
empt.

Sec. 9. *And be it further enacted*, That for the space of eight years after erecting the respective gates, the citizens of Blount and Morgan counties shall be permitted to pass said roads without paying toll: *Provided*, they can satisfactorially

ly make it appear that they are a citizen or citizens, of either of the aforesaid counties, as the case may be.

Sec. 10. *And be it further enacted*, That if either of said roads should pass on land or through enclosures, belonging to any individual or individuals who may consider him, her or themselves damaged by the opening of such road, or roads, such aggrieved person or persons shall have the same redress as though it had been a public road, established by the county courts under the existing laws of the State. Redress of injury by said road.

Approved, January 11, 1834.

[No. 37.]

AN ACT

For the relief of Henry Stringfellow.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller of public accounts be, and he is hereby authorized and required to issue his warrant in favor of Henry Stringfellow, for the sum of three hundred and fifty dollars, being one half the value of a slave the property of said Stringfellow, who was in custody for a capital crime, and who was deprived of his life while in the custody of the law, to be paid out of the funds provided for the payment of slaves executed in pursuance of law. Compensation for loss of slave.

Approved, January 11, 1834.

[No. 38.]

AN ACT

To divorce Mary S. Brooke from her husband Edward F. Brooke.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of Greene county, sitting in chancery, entered at the fall term of said court, in the year of our Lord, one thousand eight hundred and thirty three, the bonds of matrimony, heretofore solemnized and subsisting between the said Mary S. Brooke, and the said Edward F. Brooke, be, and the same are hereby annulled and made void, and that the said Mary S. Brooke, from her said husband Edward F. Brooke, be henceforth divorced.

Approved, January 11, 1834.

[No. 39.]

AN ACT

For the relief of the members of the Franklin Fire Engine Company No. 3, of the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama in General Assembly convened*, That the members of the Franklin fire engine company No. three, of the city of Mobile, shall and may hereafter have and enjoy all the rights, privileges and exemptions to which the members of the Fire Engine Company No. two, of Allowed the same privileges as Mobile Fire Engine Company No. 2.

the city of Mobile are entitled, under an act approved 15th January, 1831: *Provided however*, that the number of members of the said first named company shall not exceed forty.

Approved, January 11, 1834.

[No. 40.]

AN ACT

To amend an act, entitled an act, to incorporate the Tuscumbia, Courtland and Decatur Rail Road Company and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That should the president and directors of the Tuscumbia, Courtland and Decatur rail road company, or a majority of them, be unable to agree with the proprietors, for the purchase and legal conveyance of such quantity of ground, not exceeding two acres, on the upper end of said rail road, where the same shall strike the Tennessee river, in the town of Decatur, and at such other points immediately on the line of the said road, not to exceed six places and not more than two acres at any one place, as may by said president and directors be deemed indispensable for ware houses, and other convenient or necessary buildings: or should the owners of such ground be infants, non-residents or persons *non compos mentis*, or laboring under any other legal disability to contract, or should the said owners be unknown, then and in either of the said cases, it shall be lawful for the said president and directors, or a majority of them, to apply, under the provisions of the act which this is intended to amend, for and obtain a writ of *ad quod damnum*, under which writ, such proceedings shall be had for the valuation and condemnation, to the use of the said president and directors of the aforesaid ground, as are prescribed in the before recited act, and under such rules and regulations as are now established by law, saving to the parties aggrieved, in all cases, the right to appeal as provided in the fifth section of said act.

Writ of ad
quod damnum

How damages
to be paid.

Sec. 2. *And be it further enacted*, That upon the condemnation of the ground or land as aforesaid, if the owner or owners thereof, or any part thereof should be infants, or persons *non compos mentis*, or not resident in the State of Alabama, or unknown, then the damages assessed, shall be paid over to the legal representatives of such persons, or if there be no such legal representatives, or they be unknown, then the payment of the damages shall be made to such person or persons as the judge of the county court of Morgan county shall direct; the said judge first requiring the persons to whom the money is directed to be paid, to enter into bond with sufficient security, in the penalty of double the amount so paid over, conditioned, that he or they will faithfully account for and pay over

the amount by them received, to the person or persons legally entitled to the same, whensoever a demand thereof may be lawfully made.

Sec. 3. *And be it further enacted*, That the president and directors, of the said rail road company, shall have power, on failure of any stockholder to pay any instalments or amount, in pursuance of any call which has heretofore been or hereafter may be made by them, or the stockholders of said company, to sell the stock of any such defaulting stockholder, or so much as may be sufficient to pay the sum for which he may be in arrears at public sale, at such public place as they may appoint, for the best price in cash that can be obtained, after having given at least sixty days notice thereof, by advertising such intended sale in some newspaper, printed in the Tennessee valley; and the stock, so sold, shall be deemed personal property, and the purchaser thereof shall receive a certificate of purchase from the president and directors of said company, and acquire all the rights of the original stockholder, and the excess of such sale, after paying all arrearages due on such stock, shall be paid to such defaulting stockholder or his representatives.

How stock shall be sold on default of payment.

Stock considered personal property.

Sec. 4. *And be it further enacted*, That the proviso at the end of the fourth section of an act, entitled an act to incorporate the Daletown, Woodville and Greensborough rail road company, approved December the 27th, 1832, be, and the same is hereby repealed; and hereafter, it shall be lawful for the president and directors of said company to sell the stock of any stockholder as provided for by the said fourth section, at public auction for what it will bring, on giving ten days public notice of the time and place of sale, and the said stockholder or stockholders shall be liable to the said president and directors, for whatever difference there shall be on such sale between the price or sum for which the said stock shall be sold under its par value.

How stock shall be sold

Approved, January 11, 1834.

[No. 41.]

AN ACT

To incorporate the Town of Decatur.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the town of Decatur in Morgan county, as laid out and establish by the trustees of the Decatur land company in the year 1820, be and the same is hereby incorporated.

Incorporation

Sec. 2. *And be it further enacted*, That on the 1st Monday in February next, and in each and every year thereafter, an election by ballot for five councillors, resident land holders, shall be held at some convenient and public place in said town, who

Election for council.

Judges of elec-
tions.

Council to
elect Inten-
dant.

May sue and
be sued.

May have com-
mon seal.

May hold real
and personal
property.

Ordinances
and bye laws.

Powers and
authority of
council.

Lay taxes.

Grant license

shall serve for the term of one year after they shall have been elected, the first election shall be conducted and managed by Jesse H. Davis, John J. Ormond, Rheasha N. Walden and Edward F. Logwood, or any two of them, and all subsequent elections shall be held by two of the councillors, to be appointed by the board for that purpose, and the said councillors, so elected, shall on the next day after such election, in each and every year, meet and elect by a majority of votes, from their own body, an Intendant, whose duty it shall be to preside and keep order, at all meetings of the said councillors, and in his absence or incapacity, any other member may be called to the chair, and the said councillors shall be and they are hereby constituted a body corporate by the name and style of the Intendant and Council of the town of Decatur, and by that name, they and their successors in office, shall be capable in law of suing, and being sued, pleading and being impleaded in all manner of suits either in law or equity; also to have and keep a common seal, and the same to break alter and amend at pleasure, and in general do all acts which are incident to bodies corporate, and to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property, to the amount of five thousand dollars.

Sec. 3. *And be it further enacted,* That the said corporation shall have power to ordain or to pass all such ordinances and resolutions, and make all such regulations as may by them be deemed necessary for the good order and government of said corporation, which may extend to the preservation of health, to prevent and remove nuisances, appoint boards of health when necessary, to license, tax and restrain theatrical amusements, shows and museums of all kinds whatsoever within said corporation; to restrain and prohibit every species of gambling drunkenness, profane swearing or other obscene or unlawful language, assaults and batteries, and all other breaches of the peace; appoint night watches and patrols when necessary; to clean and keep in repair the streets of said town, to remove and prohibit trespasses on the same; to regulate the stationing, mooring and anchorage, of all steam boats and other boats or crafts lying at the wharfs or landing within the said corporation; to have a general superintendence and control over the landings and wharfs, public springs and wells of said town; to regulate the price of cartage, drayage, and waggonage, and grant licenses to all who cart, dray or waggon for pay; lay and collect taxes on all property, both real and personal, including poll taxes, within said corporation for the purpose of defraying the expenses of the same; to grant licenses to retailers of spirits and liquors; to regulate or restrain them when deemed a nuisance; to grant licenses to, and tax merchants and auctioneers;

to prevent the introduction of contagious or infectious diseases within the town; to restrain and prohibit all nightly or disorderly meetings or assembly of slaves, free negroes or mullattoes and other knavish and disorderly persons; arrest and sell vagrants for a time not exceeding three months; who have no known place of residence, and cannot show how he or they obtain an honest livelihood; to restrain and prevent all free persons from trading with negroes without an order written or verbal from his or her owner, agent or overseer, and in general to pass such by laws, not contrary to the constitution of this State, and the laws thereof, as the corporation shall from time to time deem expedient and necessary to carry into effect the meaning and intent of this act, and the same to put in execution, to revoke and alter as the said corporation shall deem expedient; the said corporation shall have power to appoint a treasurer, assessor, collector and constable and such other subordinate officers as they may think necessary, and by ordinance, require such security from the several officers so appointed, to annex such fees to the several officers, not exceeding fifty dollars as they shall deem necessary; they are hereby also empowered to levy such fine or fines not exceeding ten dollars for a breach or breaches of their bye laws as they may deem proper, and all fines by them imposed shall be sued for in the name of the corporation, before any justice of the peace, and the money so recovered shall be paid to the treasurer for the benefit of said town: *Provided*, that this act and all the bye laws and ordinances of the said corporation shall be at all times subject to revision or repeal by the general assembly.

Treasurer.
Constable.

Fines.

Proviso.

Sec. 4. *And be it further enacted*, That when vacancies shall happen in the board of councillors by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added shall continue in office until the succeeding annual election.

Vacancies
how filled.

Sec. 5. *And be it further enacted*, That should the elections not take place on the day fixed for the annual election of councillors, the board shall not, for that cause, be dissolved, but the incumbents shall remain in office until their successors are elected, and it shall be the duty of the board to fix some other day as early as convenient, within one month thereafter, on which day two of the councillors shall attend and hold an election for councillors.

Incumbents
to remain in
office till suc-
cessors cho-
sen.

Sec. 6. *And be it further enacted*, That said Intendant and Council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings and to publish the same and all laws and ordinances, in some public newspaper, or at three several public places in said town.

Clerk's duty.

Oath of council and intendant.

Sec. 7. *And be it further enacted*, That the Intendant and Councillors first appointed, and their successors in office, shall, severally, before they enter upon the duties thereof, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favor, affection or partiality; a certificate of which oath shall be filed with the clerk of the board of councillors.

qualified voters.

Sec. 8. *And be it further enacted*, That all white male inhabitants above the age of twenty one years, who shall have resided within the limits of said town six months, immediately preceding an election for councillors, and all land holders or freeholders therein shall be deemed qualified electors at such election.

Councillor to be ex officio justice of the peace.

Sec. 9. *And be it further enacted*, That each and every person, who may be elected a councillor for said town, shall *ex officio*, be a justice of the peace within the limits of the same.

Approved, January 11, 1834.

[No. 42.]

AN ACT

To authorize and require the encampment of the thirty third Regiment of the Militia of this State in the County of Madison.

Encampment

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the militia composed of the above named regiment shall convene at some suitable place as near the centre of the regiment as practicable, and shall there encamp for the space of six days, once in each and every year in the following manner, to wit: all the commissioned and non commissioned officers shall convene and be drilled by the adjutant of said regiment, at least three days previous to the time that the privates shall be ordered to join the encampment.

Ten days notice to be given.

Sec. 2. *And be it further enacted*, That all privates, required to perform military duty in said regiment, shall be ordered to join said encampment by the colonel commanding: *Provided however*, that the colonel shall give at least ten days notice of the time and place of such encampment, through the non commissioned officers of said regiment, which notice shall be served either in person or in writing, left at the usual place of residence of such private, a return of which service and the precise manner in which it was made, shall be made to the respective captains in said regiment, on or before the second day of the encampment.

Officers to appear in full uniform.

Sec. 3. *And be it further enacted*, That all commissioned officers in said regiment shall appear in full uniform agreeably to the usage and custom of the army of the United States.

Sec. 4. *And be it further enacted*, That a failure to com-

ply with the provisions of this act, on the part of any officer or officers of said regiment, shall be fined and punished according to the laws now regulating the militia of this State. Penalty, &c. of officers.

Sec. 5. *And be it further enacted*, That each and every private shall be required to appear on parade, or in the discharge of any other duty, at such time as he may be ordered under the provisions of this act, with a gun, and in case of failure on the part of any private to comply with the provisions of this act; every such private shall be liable to pay a fine of not less than one nor more than three dollars per day, for every such failure, which shall be collected in the manner and form that other fines in similar cases now are, and paid over to the paymaster of said regiment; which monies shall be subject to the order of a court martial of said regiment. Penalty of privates.

Sec. 6. *And be it further enacted*, That said regiment shall be, and they are hereby exempt from the performance of all other military duty, except patrol duty or in cases of insurrection or invasion. Exemption.

Approved, January 11, 1834.

No. 43.]

AN ACT

To require the Sheriff of Madison County to hold an election for an Assessor and Tax Collector for the year 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sheriff of Madison county be, and he is hereby required to hold an election for an assessor and tax collector, for the year 1834, on the second Monday in February next, at the different precincts in said county, giving ten days notice thereof. Sheriff's duty

Sec. 2 *And be it further enacted*, That the person elected shall, on or before the first day of March next, enter into bond with such security as may be approved by the judge of the county court of Madison county, for the faithful performance of his duties as in other cases of assessor and tax collectors. Person elected to give bond.

Sec. 3. *And be it further enacted*, That should the assessor and tax collector, by this act to be elected, fail to enter into bond as by this act required by the time herein specified, then and in that case, his office shall be vacated, and the judge and commissioners shall fill such vacancy as in other cases. On failure to give bond, office vacated.

Approved, January 11, 1834.

[No. 44.]

AN ACT

To appoint Commissioners for the County of Sumpter, to survey and sell town lots in the Town of Livingston, the seat of Justice thereof; and to erect public buildings in the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That John Horn, Worham Easly, John P. McIntosh, Jefferson C. M'Alpin, John C. Whitsett, Archelaus B. Thomas, Benjamin F. Bullock, William Anderson and James Savage be, and they are hereby appointed commissioners, for the purpose of surveying, laying off and selling lots in the town of Livingston, the seat of justice in the county of Sumpter; and contract for and cause the public buildings to be erected for said county, on such terms as they may think most conducive to the true interest of said county.

Duty of commissioners.

Sec. 2. *And be it further enacted*, That it shall be the duty of the commissioners aforesaid to employ the county surveyor, or some other fit person to survey, designate, and lay off lots in said town, by such metes and bounds, and of such dimensions as said commissioners may direct, and make out a fair plat, or correct map, with the certificate of the surveyor thereto, and return the same to the clerk of the county court, whose duty it shall be to record the plat, or map, with the surveyors certificate in the record books of his office.

Shall give notice of sale.

Sec. 3. *And be it further enacted*, That the commissioners for the county aforesaid, shall give six weeks notice at least, in some newspaper printed in this State, of the time and place of the sale of lots at the seat of justice aforesaid, and also at three or more public places by advertisement in the said county.

Shall sell on such terms as they think best.

Sec. 4. *And be it further enacted*, That the commissioners aforesaid, shall have power and authority to sell the lots aforesaid, on such terms and conditions as they may in their opinions think calculated to promote the best interests of the said county; but in no instance to make a title in fee simple to any purchaser or purchasers of any lot or lots, until the whole consideration for the same is actually paid.

Public square

Sec. 5. *And be it further enacted*, That the commissioners aforesaid, shall cause to be laid out by the county surveyor, or other fit person, a public square of such dimensions as they may deem proper, and such other lots as said commissioners in their opinion may deem necessary for public use, and reserve the same from sale.

Payment of Jesse Cooper.

Sec. 6. *And be it further enacted*, That the commissioners aforesaid, shall have power and authority to pay Jesse Cooper such sum, as they in their opinion may think a reasonable compensation for his improvements on the site of said town; which said sum shall be paid out of the monies arising from the sale of lots in said town.

Shall give notice for proposals to build public buildings.

Sec. 7. *And be it further enacted*, That the commissioners aforesaid shall give six weeks notice that they will receive proposals, for the building of a court house, jail, and other neces-

any buildings for the use of said county, of such dimensions as they may think proper, at the expiration of which time the said commissioners shall take bond with approved security, from the undertaker or undertakers, in double the amount for which said public buildings may be undertaken, for the faithful completion thereof by the time specified in the bond; and agreeable to the plan by them devised, payable to them as commissioners as aforesaid, and their successors in office.

Contractor to give bond.

Sec. 8. *And be it further enacted*, That the commissioners, aforesaid, shall elect or appoint a treasurer out of their own body, or otherwise before the sale of the lots aforesaid; who shall give bond with approved security, to be adjudged of by said commissioners, payable to the governor, for the time being, of the State of Alabama and his successors in office, in such sum as said commissioners may require; which bond shall be recorded in the clerk's office of the county court, and therein deposited, and a copy thereof shall be sufficient evidence, if the original be lost or destroyed.

Appointment of Treasurer and his duty.

Sec. 9. *And be it further enacted*, That all notes, bonds, or other instruments of writing, taken by said commissioners, not otherwise herein provided for, for the payment of money, shall be payable to the treasurer of the board of commissioners and his successors in office, and deposited in the hands of the said treasurer; who is hereby vested with full power to sue for, and recover the sum or sums of money therein specified.

Bonds made payable to the Treasurer.

Sec. 10. *And be it further enacted*, That in case of the death, resignation or refusal to act, of either of the commissioners aforesaid or treasurer, it shall and may be lawful for the residue, or a majority of the commissioners aforesaid, to nominate and appoint any fit person or persons, to fill such vacancy or vacancies.

How vacancies to be filled.

Sec. 11. *And be it further enacted*, That the commissioners, aforesaid, shall take the following oath before any justice of the peace, subscribe the same, and deposit said oath in the office of the clerk of the county court, viz: I ——— do solemnly swear (or affirm as the case may be,) that as commissioner of Sumpter county, I will faithfully, impartially, and to the best of my abilities, discharge the duties of commissioner for the county of Sumpter, and as far as in my power, to the best interest of the county of Sumpter, so help me God.

Oath of commissioners.

Sec. 12. *And be it further enacted*, That the commissioners and treasurer, aforesaid, shall from time to time receive such compensation for their services as shall be allowed them by the county court aforesaid, to be paid out of the county treasury.

Compensation.

Sec. 13. *And be it further enacted*, That the commissioners, aforesaid, may, at any time draw on the treasurer of the board

of commissioners for such sum or sums of money as they may deem necessary for erecting the public buildings, and carrying the provisions of this act into effect.

Approved, January 13, 1834.

[No. 45.]

AN ACT

To repeal an act, for the relief of the Sheriff of St. Clair County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act, approved January 12, 1833, entitled an act for the relief of the sheriff of St. Clair county be, and the same is hereby repealed.

Approved, January 13, 1834.

[No. 46.]

AN ACT

Supplemental to an act, authorizing a Lottery for the improvement of a Road therein named, passed the 17th of December, 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the aforesaid act, as appoints Stephen S. Ewing, John C. Grayson, Joseph Pickens and John R. H. Acklin a board of improvement, be, and the same is hereby repealed.

Repealing appointment of certain commissioners.

Sec. 2. *And be it further enacted*, That William D. Hallowell, George Cox, George Fearn and Stephen Debo be, and they are hereby appointed a board of improvement, agreeably to the provisions of said act.

Appointing commissioners.

Sec. 3. *And be it further enacted*, That the necessary charges, that may be incurred in preparing and drawing said lottery, shall be raised by the same, in addition to the sum of three thousand dollars, which is authorized by said act.

Providing for payment of expenses.

Approved, January 13, 1834.

[No. 47.]

AN ACT

For the relief of David Ballew.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller of public accounts be, and he is hereby authorized and required to issue his warrant on the treasurer, for the sum of thirty dollars and fifty cents, in favor of David Ballew, for services rendered in making the returns of the election for a member of congress for the first congressional district, to be paid out of any money in the treasury not otherwise appropriated.

Approved, January 13, 1834.

[No. 48.]

AN ACT

To declare a certain water course in Benton County a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That Talishatchie creek, from its mouth to the battle ground, is hereby declared a public highway.

Public highway.
Penalties of persons obstructing the same.

Sec. 2. *And be it further enacted*, That if any person or persons shall obstruct the navigation of said creek, by building mill-dams, fish-traps or in any other way, such person or persons shall forfeit and pay the sum of one thousand dollars, one half to the State and the other half to any person who may sue for the same, recoverable before any court of law having jurisdiction of the same, and shall also forfeit and pay all damages which any person or persons may sustain by reason of such obstructions, recoverable in the like manner, and all such obstructions may be removed by order of the county or circuit courts of said county, as a public nuisance.

Approved, January 13, 1834.

[No. 49.]

AN ACT

To authorize the levying of an additional County Tax, for the County of Lawrence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue, for the county of Lawrence, be, and they are hereby authorized to levy an extra tax, for the year eighteen hundred and thirty-four, in addition to the tax now authorized by law, which additional tax shall not exceed twenty five per cent, upon the State tax for said year.

How tax to be levied and by whom.

Sec. 2. *And be it further enacted*, That the said additional tax, when collected, shall be under the control of said judge of the county court and commissioners of roads and revenue, and shall be applied to the discharge of a debt incurred by the county, in the purchase of land for the purpose of establishing a poor house in said county: *Provided, however*, that nothing, in this act, shall be so construed as to compel the judge of the county court and commissioners of roads and revenue of the county of Lawrence, to levy said tax in the first section, but that it be left entirely at their discretion.

How applied.

Approved, January 13, 1834.

[No. 50.]

AN ACT

To explain an act, entitled an act. further to provide for the location of the seat of Justice in Pickens County, passed January 13, 1830.

WHEREAS, doubts are entertained as to who are the persons legally entitled to receive the new court-house, in the county of Pickens, and to pay for the same: therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the right and duty of receiving the new court-house, in the county of Pickens, and of paying for the same,

Who are to receive court house.

as provided for in the above recited act, shall not, by reason of any thing in said act contained, be construed to devolve on the commissioners of revenue and roads, together with the judge of the county court of said county; but that said right and duty shall, and are hereby declared to appertain exclusively to the court-house commissioners, who may be in office at the time of the passage of this act, and their successors hereafter lawfully appointed.

Approved, January 13, 1834.

[No. 51.]

AN ACT

To repeal in part an act entitled an act to authorize the Judge of the County Court and Commissioners of Revenue and Roads of Wilcox County, to levy an extra tax for the purpose of building a Jail in said County.

Repeal of former act.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the above recited act as directs the amount raised to be appropriated to the building of a jail be, and the same is hereby repealed.

Court house and jail.

Sec. 2. *And be it further enacted*, That the commissioners of public buildings shall have power to apply the proceeds to the building a jail or court house, for said county.

Approved, January 13, 1834.

[No. 52.]

AN ACT

To repeal the the third, fourth and fifth sections of an act in relation to a road leading from D. Lewis', in originally Pike, but now Barbour county, approved 20th January 1830, and also the entire act upon the same subject, and in relation to the same road approved 4th January 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited acts be, and they are hereby repealed: *Provided nevertheless*, that nothing herein embraced shall preclude said road from all the rules and regulations that other public roads of the same grade is subject to by law.

Approved, January 13, 1834.

[No. 53.]

AN ACT.

For the relief of the Tax collector of Tallapoosa County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Green W. Taylor be, and he is hereby allowed fifty per cent. for his services in assessing and collecting the taxes for Tallapoosa county, for the year 1833, in lieu of the amount now allowed by law.

Approved, January 14, 1834.

[No. 54.]

AN ACT

For the relief of the Assessor and Tax Collector of Monroe County.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the assessor and tax collector of Monroe coun-

ty shall be allowed until the first day of April next, to complete his return to the comptroller, any law to the contrary notwithstanding: *Provided*, the securities of the assessor and tax collector, as aforesaid, shall file their assent to the provisions of this act in writing, with the clerk of the county court of said county.

Approved, January 14, 1834.

[No. 55.]

AN ACT

For the relief of the Assessor and Tax Collector of Madison County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the assessor and tax collector for the county of Madison, for the year 1833, shall have until the first day of March next to complete the assessment, and collect the taxes due from said county for the present year: *Provided*, the securities of the tax collector, aforesaid, shall file their assent in writing to the provision of this act with the clerk of the county court of said county.

Approved, January 14, 1834.

[No. 56.]

AN ACT

For the relief of Nancy C. Neely.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Nancy C. Neely who has been abandoned by her husband, John G. Neely, and who lives separately and apart from him, be and she is hereby made capable of acquiring and holding separate estate and property as if she were a *feme sole*, of which she may dispose by gift, grant, sale, last will and testament, or otherwise, and in the event that she shall die intestate, the same shall descend to and be distributed among her heirs, as in other cases of intestacy.

Allowing Nancy C. Neely to act as *feme sole*.

Approved, January 14, 1834.

[No. 57.]

AN ACT

To amend the Road Laws within the County of Mobile, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners of roads and revenue, for the county of Mobile, be, and the same are hereby authorized to levy a special tax on all taxable property, lying within the city and county of Mobile, not exceeding the sum of two cents on every hundred dollars value thereof, which tax shall be applied to the erection and repairing of bridges within said county, and for other purposes.

Commissioners of roads and revenue may levy tax.

Sec. 2. *And be it further enacted*, That so much of the road law now in force in said county, as authorizes the overseers of roads to require, from each person, ten days labor on the public roads of said county, be so amended as that the

amending former act.

number of days labor shall not exceed five in each and every year.

Public roads.

Sec. 3. *And be it further enacted*, That hereafter, all public highways in said county, which are ordinarily used and traveled upon, are hereby declared to be public roads within the meaning of the statute, whether the same have been duly laid off and so declared by the commissioners of roads and revenue or not.

Approved, January 14, 1834.

[No. 58.]

AN ACT

To adjust and settle the claims of William Jordan, for services rendered the County of Washington.

Commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama in General Assembly convened*, That John B. Hazzard, Daniel Rain and Jesse Wamack be and they are hereby appointed commissioners to adjust and settle, upon principles of equity, any and every claim which the said William Jordan may have, or can substantiate against the said county of Washington, for the building of a court-house in and for said county.

Their duty.

Sec. 2. *And be it further enacted*, That if the said commissioners, upon a fair and equitable investigation, find in favor of the said William Jordan, they shall issue a certificate, stating the amount due by said county to the said William Jordan, and the amount of said certificate shall be paid out of any money in the treasury not otherwise appropriated.

Approved, January 14, 1834.

[No. 59.]

AN ACT

Supplemental to an act, to incorporate the Merchants Insurance Company of Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the eleventh section of said act, as relates to mortgages on unincumbered real estate, and that no mortgage shall be taken on any house in town, unless the same be insured, be and the same is hereby repealed.

Approved, January 14, 1834.

[No. 60]

AN ACT

To revive the act incorporating the town of Bellefonte.

Reviving former act.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act heretofore passed on the 15th day of December, 1821, incorporating the town of Bellefonte, in Jackson county, be and the same is hereby revived.

Who shall hold election for town officers.

Sec. 2. *And be it further enacted*, That Robert T. Scott, John Cowart and Peter Keener or any two of them, be and they are hereby required to hold an election for town officers author-

ized by the said act, in the town of Bellefonte, giving ten days notice of such election.

Sec. 3. *And be it further enacted*, That the said town shall not forfeit its charter from any failure to elect town officers, but that the same shall continue in force, and the town officers, who may be elected and qualified, shall continue in office until their successors are elected and qualified.

Approved, January 14, 1834.

[No. 61.]

AN ACT

For the relief of Thomas W. Smith, late Clerk of the Circuit Court of Shelby County.

WHEREAS, Thomas W. Smith, late clerk of the circuit court of Shelby county, some years since, received, in payment of county dues, sundry certificates and other claims against said county; and whereas, doubts have arisen in the mind of the county treasurer, as to the legality of his receiving them in discharge of the demands against said clerk; therefore,

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for said county treasurer to receive from the said Thomas W. Smith, late clerk as aforesaid, all such certificates and other claims against said county, as shall have been made out and authenticated according to law, although the same may not have been registered with him.

Authorizing county treasurer to receive certain certificates.

Approved, January 14, 1834.

[No. 62.]

AN ACT

To lay off a beat in that part of the Choctaw country, west of the Tombeckbee river, and lying in the limits of Pickens County

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama in General Assembly convened*, That all that part of the territory south of a line running directly west from the mouth of Beaver creek, to the Mississippi State line and west of the Tombeckbee river, and within the limits of Pickens county as aforesaid, shall compose one beat, to be known as beat No. nine, and be attached to the second battalion, fifty-ninth regiment, fifth brigade, second division Alabama militia.

Where beat shall be laid off.

Sec. 2. *And be it further enacted*, That all the territory lying north of the line specified in the first section of this act, and west of the Tombeckbee river and lying within the limits of the said county of Pickens, shall be attached to beat No. eight, same battalion, regiment, brigade and division as mentioned in the first section of this act.

Beat No. 8.

Sec. 3. *And be it further enacted*, That it shall be the duty of the officer commanding the battalion mentioned in the first section of this act, to hold an election at the house of

Election for officers.

William A. Henry; in the town of Fairfield, on the first Saturday in February next, giving at least ten days notice thereof, at three or more places, for the purpose of electing a captain, lieutenant and an ensign to command said beat.

Time of holding said election.

Sec. 4. *And be it further enacted*, That should the proper officer fail, on the first Saturday in February, to hold the election as mentioned in the third section of this act, he is hereby authorized and required to hold the same on the first Saturday in March next, giving ten days notice thereof, at three or more places in said beat.

Approved, January 14, 1834.

[No. 63.]

AN ACT.

To authorize Harrel Hobdy, Sheriff, of Barbour county, to keep his office in the town of Louisville in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Harrel Hobdy, sheriff of Barbour county, be and he is hereby authorized to keep his office, advertise and conduct the sales of all property sold by him as sheriff, in the town of Louisville, during the time for which he was elected: *Provided*, that nothing in this act shall extend beyond the time for which said Hobdy was elected.

Approved, January 14, 1834.

[No. 64.]

AN ACT

To authorize the Judge of the county Court, and Commissioners of Roads and Revenue for the county of Blount, to levy a special tax for the purpose of building a new Court House and Jail, in the Town of Blountsville for said county.

Appointment of commissioners, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue, for the county of Blount, be and they are hereby authorized and empowered to appoint three commissioners, who shall have power to contract for, and direct, and superintend the building of a new court house and jail of such descriptions and dimensions as they may agree upon, with the approbation of the judge of the county court and commissioners of roads and revenue for said county.

How vacancies to be filled.

Sec. 2. *And be it further enacted*, That in case of the death, resignation, or refusal to act, of any of said commissioners, the judge of the county court for Blount county shall forthwith fill such vacancy by appointment, and the said commissioners shall receive one dollar per day each, for their services, during the performance of their duty herein specified, to be paid out of the money collected by this act; and said commissioners, before entering on the duties of their office, shall severally take the following oath before some judge or justice of the peace: "I do solemnly swear, that I will faithfully and impartially execute

Compensation of commissioners.

the duties of my appointment of commissioner, under the act for building a court house and jail in the county of Blount, and that I will be governed by what I conceive to be the best interest of the county aforesaid; without regard to jealousies or prejudices, and in all things will perform the duties of my appointment, agreeable to law, and the best of my skill and judgment, so help me God."

Sec. 3. *And be it further enacted*, That the said commissioners shall take of the undertaker or undertakers, bond with approved security payable to them as commissioners, in double the sum at which the buildings may be let: conditioned for the faithful performance of the work according to the plan by them devised, and in due time.

Bond to be taken of undertakers.

Sec. 4. *And be it further enacted*, That the county court of Blount county, composed of the judge and commissioners of roads and revenue, be and they are hereby authorized and empowerer to levy a special tax on the persons and property of the citizens of said county, liable to taxation as in other cases, sufficient to defray all expenses to be incurred under this act, which tax shall be assessed in the following manner, to wit: one third part annually for three years.

Levy of special tax.

Sec. 5. *And be it further enacted*, That the taxes, authorized to be assessed by the fourth section of this act, shall be collected by the tax collector, for the county of Blount, in like manner as other county taxes are collected by law, and for the same compensation as received for collecting other taxes in said county; which taxes when so collected shall be paid over annually to the aforesaid commissioners, appointed as expressed.

Duty of tax collector and assessor and his compensation.

Approved, January 14, 1834.

[No. 65.]

AN ACT

To permanently fix the seat of Justice for the County of Tallapoosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Daniel Welch, Irvin Lawson and Benjamin Young be and they are hereby appointed commissioners to select a suitable place, within ten miles of the centre of said county, for a seat of justice; and they are hereby authorized to do and perform all the duties as commissioners for the county of Tallapoosa, as was required of the commissioners by an act passed at the last session of the general assembly.

Commissioners and their duties.

Approved, January 14, 1834.

[No. 66.]

AN ACT

To provide for the appointment of a Commissioner in the County of Benton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Arnold be and he is hereby appointed

ed a commissioner for the county of Benton to fill the vacancy occasioned by the removal of Lemuel J. Bradford.

Approved, January 14, 1834.

[No. 67.]

AN ACT

To change the time of holding the Commissioners Court of Roads and Revenue in the County of Washington.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners courts of roads and revenue, in the county of Washington, shall be holden on the third Mondays of January, April, July and October, until otherwise altered by law.

Repeal.

Sec. 2. *And be it further enacted,* That all laws, contravening the provisions of this law, be and the same are hereby repealed.

Approved, January 14, 1834.

[No. 68.]

AN ACT

To incorporate the Mobile and New Orleans Steam Boat navigation company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William D. Stone and his associates are hereby constituted and appointed a body corporate, by the name and style of the Mobile and New Orleans steam boat navigation company, for the term of twelve years from and after the passage of this act, and they are hereby vested with all the rights and privileges and subject to the same restrictions which are granted and imposed in an act to incorporate the Mobile steam boat company, passed on the twenty-seventh day of November, eighteen hundred and twenty-one.

Approved, January 14, 1834.

[No. 69.]

AN ACT

To authorize the building of a Court House in Montgomery County.

Special tax,
how and by
whom to be
levied.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue of Montgomery county, or their successors in office, be and they are hereby authorized to levy and collect a special county tax not exceeding eighty per cent on the State tax, and to continue the same from year to year until the fund, arising thereby, shall be sufficient to defray all the expenses incurred in building a court house in the town of Montgomery: *Provided,* the cost of said building shall not exceed the sum of ten thousand dollars.

Contract for
buildings.

Sec. 2. *And be it further enacted,* That the judge and commissioners, aforesaid, be and they are hereby authorized to contract in such manner as they may deem proper for the erection

of said court house, and they are hereby further authorized to loan at interest any money that is or may hereafter be in the hands of the county treasurer, or tax collector of said county, levied for the purpose of building said court house in said county of Montgomery: *Provided*, the person to whom said money is loaned, with two good and sufficient securities, each worth double the sum loaned, shall before the judge of the county court confess judgment for the amount loaned, and interest thereon, with a stay of execution for such sum as may be agreed upon: *Provided also*, that such stay shall not be for a longer time than twelve months.

Approved, January 14, 1834.

[No. 70.]

AN ACT

Further to extend the time for the relief of Sterling E. Harrison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Sterling E. Harrison be and he is hereby allowed until the first day of March, one thousand eight hundred and thirty-five, to make payment of one half of a judgment obtained against one Joel Gibbs by the State of Alabama, until the first day of March one thousand eight hundred and thirty-six, to make payment of the remaining half.

Extending time of payment.

Sec. 2. *And be it further enacted*, That the sheriff of Montgomery county, be and he is hereby required to delay making the money on the execution against the said Sterling E. Harrison, except at the times prescribed by this act: *Provided*, the said Sterling E. Harrison give good and sufficient security, to be approved of by the lawyers having the control of the case, for the payment of said debt, interest and costs which shall be filed with the papers belonging to said suit in the clerk's office, and have the force of a judgment, and upon failure to pay the amount of said bond when due, execution shall issue thereon.

Sheriff to delay making money.

Proviso.

Sec. 3. *And be it further enacted*, That the act entitled an act, for the relief of Sterling E. Harrison, approved December 9th, 1831, be and it is hereby repealed,

Repeal.

Approved, January 14, 1834.

[No. 71.]

AN ACT

To form a company beat of Militia of a less number of privates than forty in the County of Franklin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, there may be formed a new company beat of militia, of a less number of privates than forty, in the thirty-seventh regiment of Alabama militia, in the county of Franklin, bounded as follows:

Forming company beat.

beginning on the Tennessee river, one mile from the mouth of Cane creek and on the east side of said creek; thence up the east side of said creek, as high as said thirty-seventh regiment extends, so as to include all that may reside within one mile of said creek; thence due west to the Mississippi line; thence down said line to the Tennessee river; thence up said river to the beginning, shall constitute a militia company beat, to be known by the name of the Cane creek company.

How officered Sec. 2. *And be it further enacted,* That the company, thus formed, shall be officered in the same manner as the other militia companies are in this State, and as soon as said company is organized, the captain is hereby authorized and required to hold an election for two justices of the peace and one constable, and the justices of the peace and constable, so elected, shall be subject to the same rules and regulations that other officers of the same grade are, and shall hold their office until the next general election for such officers.

Justice and constable.

Approved, January 14, 1834.

[No. 72.]

AN ACT

To organize and continue in office certain Officers in the sixteenth Company of the fifteenth Regiment of Alabama Militia, in Jefferson County.

Continuing in office certain officers. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all officers civil and military, elected under the authority of Shelby county, and now in commission in the thirteenth company of the fifteenth regiment of Alabama militia, in Jefferson county, shall and they are hereby continued in office for the terms for which they may have been elected, any law to the contrary notwithstanding.

Approved, January 14, 1834.

[No 73.]

AN ACT

To authorize the Judge of the County Court of Commissioners of Roads and Revenue, for the County of Jefferson, to lay a separate tax for building or repairing a Jail in said County.

Special tax, and by whom to be levied. Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue, of the county of Jefferson, be and they are hereby authorized and empowered to assess an additional tax, on the persons and property of the citizens of the county of Jefferson, such amount as they may think necessary for building or repairing a jail in the town of Elyton, in said county: *Provided,* that the amount assessed shall not exceed five hundred dollars in any one year.

Duties and fees of collec- Sec. 2. *And be it further enacted,* That the amount of taxes, so assessed, shall be collected by the assessor and tax collector,

in the same manner, and for the same fees as other county taxes is collected, and when so collected, shall be paid over by said collector, to the clerk of the county court annually. tor and asses-
sor.

Sec. 3. *And be it further enacted,* That the judge and commissioners of roads and revenue shall compose a committee to contract and superintend the building or repairing a jail in said county, and that no money for building shall be drawn, but on the certificate of the judge and commissioners of said county court. Repairing jail

Approved, January 14, 1834.

[No. 74.]

AN ACT

To locate permanently the seat of Justice for the County of Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Moses Kirkland, Bryan Shoaler, James Bennett, Sion Smith and John Faircloth be and they are hereby appointed commissioners for the county of Henry, who or a majority of them shall have power to select one site in addition to Abbeville, or the late selected site, which new site shall be at or within three miles of the centre of said county. Commission-
ers and their
duty.

Sec. 2. *And be it further enacted,* That it shall be the duty of said commissioners to report to the sheriff of said county, the site they shall have selected as aforesaid, on or before the first Monday in June next, particularly describing the same; and it is hereby made the duty of the sheriff, immediately on the receipt of said report to put up a notice, describing the new site so selected, at each election precinct in said county. To report site
selected to
sheriff and no-
tice to be giv-
en.

Sec. 3. *And be it further enacted,* That it shall be the duty of the sheriff of said county to hold, or cause to be held an election at the different precincts in said county, at the next general election, which shall be held and conducted by the same officers and managers, and in the same manner that elections for members of the general assembly are, and the said sheriff is hereby required to give the same notice of this election, that he is required by law to give of the general elections, and the site selected by said commissioners shall be put in nomination, and voted for, as follows: those wishing to vote for Abbeville (or the late selected site) shall endorse upon the back of their tickets, Abbeville; and those wishing to vote for the site selected under this act, shall endorse upon the back of their ticket, new site; and it shall be the duty of the officers and managers of the election, at the several election precincts after the close of the election, to count the votes at their respective precincts and make return to the sheriff of the county, the whole number of votes received for each place nominated as aforesaid, which return shall be duly certified, sealed up, and delivered to the sheriff within the time prescribed by law for making the re- Election how
held.

What places
to be voted for

How tickets
to be written.
Duty of mana-
gers.

Oath of managers.

Proviso.

Commissioners may purchase land & receive donations of land.

If Abbeville be selected, former appointed comm'rs. to act.

Repeal.

Proviso.

turns for the election of members of the general assembly, and the said managers in addition to the oath now required by law to take an oath faithfully and impartially to hold and return of the election specified in this act: *Provided*, That no vote shall be lost for the precise words specified in this act if there be sufficient upon the ticket to designate the place intended to be voted for; and it shall be the duty of the sheriff after receiving the returns from the different precincts in said county, to compare them and ascertain the number of votes received for each place nominated, by virtue of this act, and the place receiving the highest number of votes, he shall declare to be the permanent seat of justice for said county of Henry: *Provided however*, That all courts to be held for said county shall be held at the present court-house, until the selection is made as contemplated by this act, and until some suitable house shall be provided at said new site or Abbeville, (as the case may be) in which courts may be held.

Sec. 4. *And be it further enacted*, That the commissioners appointed by this act be and they are hereby authorized to purchase of any individual, or of the United States, any tract or tracts of land not exceeding one half quarter section, or receive of any person a donation of lands for the purpose of erecting thereon, the public buildings of said county, and the said commissioners shall have power to draw out of the county treasury such sums of money as shall be necessary to carry into effect the provisions of this act.

Sec. 5. *And be it further enacted*, That in the event that Abbeville is made, by the provisions of this act, the seat of justice for said county, the commissioners appointed by an act of the general assembly of this State, passed on the 21st day of December, 1832, authorizing them to select a seat of justice for said county, be and they are hereby authorized to proceed to perform all duties which by said act they were empowered to do.

Sec. 6. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed: *Provided however*, That should there be a failure on the part of the commissioners or sheriff, by which no selection is made or election held, as contemplated in this act, then and in that case the act above referred to, passed on the 21st December, 1832, be and the same is hereby put in full force.

Approved, January 14, 1834.



[No. 75.]

AN ACT

To incorporate Athens Lodge, number 16, of Ancient Free Masons.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That Paul Hildreth, master, and others, the officers and members of said lodge, and the several persons who are, or shall hereafter be members, respectively, of said lodge, shall be and they are hereby declared to be a body politic and corporate in name and in deed, by the name and style of Athens lodge number 16; and by said name shall have a perpetual succession of officers, a common seal with power to alter the same, and to make all necessary bye laws for their better government.

Sec. 2. *And be it further enacted*, That the said corporation shall be able in law to purchase, have, hold, receive, possess and enjoy, in perpetuity, or for any term of years, any lands, tenements or hereditaments, and to sell or otherwise dispose of the same in such manner as the said body politic or lodge, shall deem fit and expedient, to sue and be sued, to plead and be impleaded, in any court of law or equity in this State.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the said corporation, to receive and hold forever, any donation, bequest or devise, and to appropriate the same for the benefit of the corporation in such manner as may be determined by the same.

Approved, January 14, 1834.

No. 76.]

AN ACT

Supplemental to an act entitled an act to amend act an to incorporate the town of Montgomery, approved January 15, 1823.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That after the passage of this act it shall be lawful in addition to the qualifications of voters, recited in the 10th section of the above recited act, for any person owning a freehold, within the limits of the town of Montgomery, to vote in elections held for councillors of said town.

Approved, January 14th, 1834.

[No. 77.]

AN ACT

To compensate the Commissioners of Revenue and Roads of the County of Fayette.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the commissioners of revenue and roads for the county of Fayette shall receive, each for their services, one dollar and fifty cents for each day they shall or may attend the commissioners court in their county, to be paid out of any money in the county treasury not otherwise appropriated, and the certificate of the clerk of the county court for said county shall authorize the county treasurer to pay out the amount certified to be due to each commissioner: *Provided*, said court shall not continue in session more than two days at each term.

Approved, January 14, 1834

Prescribing the mode of removing obstructions to the navigation of Paint Rock River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the clerk of the circuit court for the county of Madison or Jackson, (as the case may be) upon complaint being made to him, that the navigation of Paint Rock has been obstructed or impeded by the erection of any mill-dam across said river, he shall forthwith issue his writ to the sheriff of the county in which the complaint may be made, commanding him to summons the owner or owners of said mill to appear at the next term of the circuit court, to be holden for the county in which said mill may be situated, and show cause why said mill and dam shall not be abated and the obstruction to the navigation of said river removed; which writ shall be executed by the sheriff of the county, or some person authorized by him to do so, at least twenty days before the sitting of the said court.

Duties of the clerks of county and circuit courts of Madison & Jackson.

Sheriff's duty

Further duty of clerks.

How writ shall be executed.

Cause when and how to be tried.

Sec. 2. *And be it further enacted,* That it shall be the duty of the clerk of the said circuit court, upon the return of said writ "executed," to place the cause on the State docket, to be tried as other State causes; and it shall be a sufficient execution of said writ, to leave a copy at the house of the owner, and when there are joint owners, an execution on one shall be considered sufficient as all.

Sec. 3. *And be it further enacted,* That said cause shall stand for trial at the first term after the execution of the writ, and the court shall set a day certain for the trial and shall direct a special jury to be summoned, whose residence shall not be in the immediate vicinity of said mill, and who shall not be connected to the party complaining or the owner or owners, either by affinity or consanguinity, and the said jury shall be sworn to try an issue to be made under the direction of the court, which shall be "whether the said mill or dam does or does not obstruct or impede the navigation of Paint Rock river." If the jury shall, by their verdict rendered, determine from the testimony to be received as in other cases, that the said mill or dam does obstruct or impede the navigation of said river, then the court shall enter judgment against the owner or owners of said mill, for all the costs which shall have accrued, and shall direct the clerk to issue his writ to the sheriff, commanding him to remove such obstructions; which writ the sheriff shall execute within thirty days after the adjournment of said court, and the sheriff shall make return to the next term of the court, of the manner in which he has executed said writ and the cost of doing the same, which amount if deemed reasonable by the court, shall

Judgment and proceedings thereon.

be paid by the owner or owners, for which execution shall be awarded as in other cases.

Sec. 4. *And be it further enacted*, That it shall be the duty of the solicitor of the fifth judicial circuit, to prosecute all cases commenced under this act, and he shall be entitled to ten dollars for his services, to be paid by the party liable for the costs; and the clerk and sheriff for their services shall be entitled to the same fees as are allowed by law for similar services in other cases. Duty of solicitor.

Sec. 5. *And be it further enacted*, That if the sheriff fail to execute any process which he may be required to execute under this act, he shall forfeit the sum of five hundred dollars, to be recovered by motion of the persons making complaint, on giving said sheriff three days notice of the time of making said motion. Penalty of sheriff for refusing to execute writ.

Sec. 6. *And be it further enacted*, That all acts and parts of acts contrary to the provisions of this act be and the same are hereby repealed. Repeal.

Approved, January 14, 1834.

[No. 79.]

AN ACT

To incorporate the town of Louisville, in Barbour County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Louisville, in the county of Barbour, be and the same is hereby incorporated, including all and agreeably to the plan of said town. Incorporation

Sec. 2. *And be it further enacted*, That an election shall be held at some convenient house in said town, on the fourth Monday in February next, and annually thereafter; the polls to be opened at 11 o'clock in the morning and close at 1 o'clock in the evening, for the purpose of electing by ballot, five councillors, inhabitants of said town, who shall serve for the term of one year after they shall have been elected. The first election shall be managed by a justice of the peace, citizen of the beat in which said town is situated and two householders, citizens of said town, and all subsequent elections shall be managed by two of the councillors, to be appointed by the board for that purpose, and the said councillors shall, on the next day after each election in each year, meet and elect by a majority of votes from their own body, an intendant, whose duty it shall be to preside and keep order at all meetings of the said councillors, and in his absence any other member may be called to the chair, and the said intendant and councillors shall be and they are hereby constituted a body corporate, by the name and style of the intendant and council of the town of Louisville, and by that name they and their successors shall be capable in law, of suing and being sued, of pleading and being impleaded in all manner of suits either in law or equity: Election of councillors.

Intendant.

Style of corporation.

May have a
common seal.

May hold real and personal property.

Powers.

Treasurer.

Fees and penalties of officers.

Town tax.

How vacancy filled.

also to have and keep a common seal and the same to break, alter or amend at pleasure, and in general, to do all acts which are incidental to bodies corporate, and to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property, to the amount of five thousand dollars.

Sec. 3. *And be it further enacted*, That the said corporation shall have power to pass all bye laws and ordinances necessary to preserve the health of said town; to prevent and remove nuisances, to establish patrols, to clear and keep in repair the streets and alleys, to have a general control and superintendence over the springs and wells of said town, to erect and regulate markets in general, to pass such bye laws not contrary to the constitution of this State and the laws thereof, as the said corporation from time to time shall deem expedient to carry into effect, the meaning and intent of this act, and the same to put in execution, to revoke and alter as the said corporation shall deem expedient, and the said corporation shall have power to appoint a treasurer, assessor, collector and constable and such other subordinate officers as they may think necessary, and by ordinances to require such security from the several officers so appointed. to annex such fees to the several offices as they may think necessary, and to impose a fine for misfeasance, malfeasance or nonfeasance in office at their discretion, not exceeding twenty dollars. They are hereby also empowered to ordain such penalty or penalties, not exceeding five dollars for a breach or breaches of their bye laws as they may deem proper, and all fines, by them imposed, shall be sued for in the name of the corporation, before any justice of the peace in said county, or intendant, or councillors of said town.

Sec. 4. *And be it further enacted*, That the said intendant and council are hereby authorized, annually to levy and cause to be assessed and collected, a tax not exceeding one per centum on the value of all the real property in said town, to be assessed by the assessor according to such regulations as they may deem necessary. They shall also have power to levy and cause to be assessed and collected a poll tax, not exceeding one dollar on each white male inhabitant in said town, above the age of twenty-one years, who shall have resided in said town three months immediately preceeding the time of levying said tax; also on retailers of spiritous liquors, goods, wares, merchandize or either of them, a tax not exceeding five dollars per annum; and also on all owners of slaves, not exceeding fifty cents for each slave.

Sec. 5. *And be it further enacted*, That when any vacancy shall occur in the board of councillors, such vacancy shall be filled by the board, and member or members so appointed shall continue in office until the next annual election.

Sec. 6. *And be it further enacted*, That should the election not be held on the day herein fixed for the annual election of councillors, the board shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the board to fix some other day within one month thereafter, on which day two of the councillors shall hold an election for councillors.

Incumbents to remain in office till successors qualified.

Sec. 7. *And be it further enacted*, That the said intendant and council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings and to publish the same, and all laws and ordinances at three public places in said town.

Sec. 8. *And be it further enacted*, That the intendant and councillors first appointed and their successors in office, shall before they enter upon the duties of their office, take an oath before some person qualified to administer the same, that they will faithfully and impartially discharge the duties to them confided, to the best of their judgment and ability.

Oath of council.

Sec. 9. *And be it further enacted*, That all white male persons above the age of twenty-one years, who shall have resided within the limits of said town three months immediately preceeding the election for said councillors, and all free holders therein, shall be deemed qualified electors at such elections.

Who shall be qualified voters.

Sec. 10. *And be it further enacted*, That the said board of councillors shall have power to define the limits of said town: *Provided*, said limits do not exceed one half mile from its centre: *And provided further*, the same can be done without prejudicing the interest and rights of any citizen who does not live within one fourth of a mile from the centre of said town.

Limits of the corporation.

Approved, January 14, 1834.

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[No. 80.]

AN ACT

To incorporate the Athens Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the persons, who may become stockholders in the Athens rail road company according to the provisions of this act, shall be and are hereby created a corporation and body politic by the name and style of the President, Directors and Company of the Athens Rail Road Company; and by that name shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and realize to them and their successors, lands, rents, tenements, hereditaments, goods, chattles and effects, of whatsoever kind, nature or quality, in any amount not exceeding in the whole, one hundred and fifty thousand dollars, including, the capital stock of said company; and the same to sell, grant, demise, alien or dispose of, to sue and

Incorporation

May hold real and personal property.

May have com-
mon seal.

be sued, to plead and beimpleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; and also, to make, have and use a common seal, and the same to break, alter and renew at pleasure; and also, to ordain, establish and put in execution, such bye laws or ordinances and resolutions, as they shall deem necessary and convenient for the government of said corporation, not being contrary to the constitution, or to the laws of the State of Alabama, or of the United States; and generally to do and execute all and singular, the acts, matters and things, which to them it shall or may appertain to do, subject nevertheless, to the rules, restrictions, limitations and provisions herein after described and declared.

Commission-
ers to receive
subscription
and their du-
ties.

Sec. 2. *And be it further enacted*, That John R. Evans, Daniel Coleman, Samuel Tanner, William S. Gamble, Jeremiah Tucker, Thomas Maclin, Nathaniel Terry, Thomas Peete, William Mason, George W. Lane and Silas Hine, be and they are hereby appointed commissioners to receive subscriptions for the purpose of erecting a rail road from the town of Athens to such point on the Tennessee river, as may be designated by the commissioners aforesaid, so that said point or termination be neither above the town of Decatur, nor below Brown's ferry on said river. That it shall be the duty of said commissioners to open books for the subscription of stock, at the eagle tavern in said town of Athens, and at such other places as they may think fit on the first Monday of March, in the year 1834, and to keep said books open until the sum of twenty five thousand dollars shall be subscribed; and subscribers shall pay to the commissioners at the time of subscribing the sum of five dollars on each and every share of stock subscribed, which the commissioners shall pay over to the president and directors, to be chosen in the manner hereinafter mentioned.

Five dollars
to be paid on
each share.

Meeting of
stockholders.

Sec. 3. *And be it further enacted*, That when the sum of twenty five thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a meeting of said stockholders for the purpose of electing seven directors of said rail road company, in the manner hereinafter prescribed, and the said directors, when elected, shall take an oath faithfully to discharge the duties of directors of said corporation; and shall continue in office until the first Monday in January thereafter, and until their successors shall be duly qualified.

Oath of direc-
tors.

How shares
to be transfer-
red.

Sec. 4. *And be it further enacted*, That the stock of said corporation shall be divided into shares of one hundred dollars each, transferably endorsement and entry thereof, in the books of said corporation, and the holder thereof shall be entitled to all the benefits, and subject to all the liabilities of an original stockholder.

Sec. 5. *And be it further enacted*, That if any subscriber of stock, in said rail road company, shall fail to pay his instalments as required by said president and directors, they the said president and directors shall have power to declare such shares forfeited to the company, and after giving thirty days public notice, to offer them for sale at public auction for ready money, or so many as will be sufficient to pay the amount then due and called in; a sale thus made shall vest the purchaser with all the rights of the original holder; but shall not release such holder from the payment of any balance that may be due on his subscription: should the stock sold produce less than the whole amount subscribed therefor, and should the money called in be paid before a sale actually takes place, together with the costs incurred preparatory to said sale, it shall restore the stock to the original holder, notwithstanding the forfeiture.

How shares of defaulting stockholders are to be sold.

Sec. 6. *And be it further enacted*, That for the purpose of managing the affairs of the said corporation, there shall be seven directors, all of whom shall be stock holders, owning at least five shares of stock; and they shall be annually elected at the town of Athens, on the first Monday in January in each year, by the qualified stockholders of the stock of said corporation, or in one month thereafter; and each stockholder shall have one vote for each and every share of stock; and stockholders shall have the right to vote by proxy: *Provided*, that no one stockholder shall be entitled to more than one hundred votes; and the board of directors, annually at the first meeting after their election in each and every year, shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period for which the directors are elected, as aforesaid.

Directors and their qualifications.

Who shall vote.

President how elected.

Sec. 7. *And be it further enacted*, That the president and directors of the company hereby incorporated, after they shall have been organized, may on giving thirty days notice thereof, proceed to open books for further subscription of stock, at such places, as they may think fit, and they may at their discretion continue to receive subscriptions for capital stock, until the amount taken be equal to seventy five thousand dollars, when no further subscriptions for stock shall be received, unless the same shall be authorized by a majority of the stockholders at some annual meeting; and the amount of such increase to the capital stock shall be by them particularly designated.

Directors may open books for further subscription of stock.

Sec. 8. *And be it further enacted*, That the said president and directors shall have power to erect, and establish a railroad, commencing at any part of the town of Athens, and running thence to such point on the Tennessee river as may be designated by the commissioners mentioned in the second sec-

Powers of president and directors.

Liability of
stockholders.

President and
directors to
borrow mo-
ney to pledge
the personal
and real es-
tate of corpo-
ration.

Writ of ad
quod damnum
and proceed-
ings thereon.

tion of this act, or a majority of them: they shall have power to make and perform all necessary contracts, for the erecting said road, and carrying on all other business of said corporation; and they shall have power to appoint all officers, and employ such servants as may be necessary for managing the affairs of said corporation; and the stockholders shall be individually liable in proportion to their respective shares, for all contracts made, bonds, bills, notes, executed by said president and directors, in the name of said corporation, whether the same be under seal or not.

Sec. 9. *And be it further enacted*, That the president and directors of said company shall have power to borrow money, contract debts, and be contracted with upon the credit of the stock of said company, and to pledge personal or real estate for the payment of the debts of said corporation; and they shall have the power to require payment of the stock subscribed, in such instalments as they may deem for the interest of said company; and in case the said president and directors cannot agree with the owners of lands or materials required for said road, as to compensation thereof, or in case the owners thereof be an infant, nonresident, or *non compos mentis*, then and in either case, it shall be lawful for the said president and directors to apply to the judge of the county court in which such lands or materials may be, and on such application, it shall be the duty of said judge forthwith to issue a warrant under his hand and seal, directed to the sheriff of said county, commanding him to summon the owner of such land or materials, if found in his county, and also to summon a jury of twelve disinterested free holders, to appear before him, at the place where the county court for said county is by law holden, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials so required; and in case of lands, they shall in the same assessment, assess the damages, that the owner thereof may sustain, by reason of the land being so taken for the use of said road; and in all assessments of value and damage under this act, the jury shall take into consideration the advantages that the defendant may derive from said road, and render their verdict accordingly; and it shall be the duty of the judge before whom the said assessment is so made, to make a record thereof, and return the same to the clerk of the circuit court of said county; and the said clerk shall enter the same as a cause on the trial docket of said court, at the term next succeeding the return thereof, and on motion if no objection be made, the same shall be affirmed, and judgment thereof be entered, as in other cases, and if said motion be resisted, and sufficient cause in law be shown for setting aside

said assessment, then judgment thereof shall be entered, and the court shall forthwith order an issue to be made between the parties, to try the same matter; and the parties shall proceed therein *de novo*, and at the same term of the court, unless sufficient cause be shown by either party, for the continuance thereof: that the judgment of the circuit court, when for the claimants, shall be that the land in question, or the materials, as the case may be, is condemned to the use of the president, directors and company of the said railroad company, and that the said company shall pay to the defendant such sum, together with costs, as may be found by the jury to be a reasonable and proper compensation: and the said land or materials shall become vested in said company forever: and in all cases of final judgment, the party aggrieved shall have his writ of error as in other cases: and it is hereby provided, that the work shall in no ways be delayed by any proceedings had in the premises, after the judge of the county court shall return to the clerk of the circuit court the assessment of the jury by him convened: but the president and directors, tendering the sum so assessed to the owner, or on depositing the amount for the use of the owner with the clerk of the said circuit court, may proceed with the work as upon final judgment in favor of said claim: and in case of tender as aforesaid, and acceptance thereof, such acceptance shall be considered as a release of errors in the proceedings, and the circuit court shall on suggestion inquire thereof, and give judgment accordingly.

Appeal.

Company not to be delayed.

Sec. 10. *And be it further enacted*, That the president and directors of said company shall have power to call meetings of the stock holders, at any time, and a majority of the stockholders in value either in person, or by proxy, shall have power to transact business: such majority shall have power to remove the president, or any of the directors, and appoint others in their stead; and in case of death, removal, resignation or refusal to act of the president or any of the directors, a majority of the residue shall have the power to fill vacancies in the board, until the next annual meeting of the stockholders: they shall also have the power to remove any officer, agent or servant.

Meetings of stockholders.

How vacancies to be filled.

Sec. 11. *And be it further enacted*, That the president, directors and company, in surveying or locating the route of said road shall not have the power to remove any dwelling house without the consent of the owner thereof, nor shall they have the power to obstruct any highway, or use the same, but shall provide suitable and convenient ways for crossing said road: they shall in no ways exercise banking privileges; and they shall begin the work within two years; and complete the same

Corporation not to remove dwelling house, or obstruct highway.

within six years thereafter, or forfeit the charter hereby granted.

President and
directors to
make exhibit
at annual
meetings.

Sec. 12. *And be it further enacted*, That the president and directors of said company shall at the annual meetings of the stockholders, which shall commence on the first Monday in January in each year, in the town of Athens, exhibit a statement of the affairs of the company, for the information of the stockholders; and such annual meetings shall be composed of the stockholders, owning at least a majority of the stock, in value represented either by the stockholders in person, or by their proxies; and such stockholders owning a majority of stock, in value, shall have the same power, as the whole of the stockholders, to transact the business of the company, and at all meetings of the stockholders, a majority of votes given in, according to the value prescribed in the sixth section of this act, shall govern.

Dividends.

Sec. 13. *And be it further enacted*, That the president and directors shall annually or semi-annually declare, and make dividends, of the profits accruing to the said company, after deducting, therefrom, such sum as they may think sufficient for the current and contingent expenses of the company, and they shall divide the same among the proprietors of the stock, in proportion to their respective shares.

Company
may join with
other railroad
company.

Sec. 14. *And be it further enacted*, That the president and directors of said company shall have the power for and on behalf of said company, to enter into contracts with any person, company or corporation, for uniting the said road with any other road that may hereafter be constructed, or for making a joint stock with any other rail road company, or for the transportation of goods or produce to any point beyond the limits of said cases.

Vesting prop-
erty in the
corporation.

Sec. 15. *And be it further enacted*, That the said road, with all works, improvements and machinery, of transportation used on said road, are hereby vested in the company who shall have the same right to sue and recover for any trespass or injury done to the same, as is provided by law to individuals in like cases.

Toll.

Sec. 16. *And be it further enacted*, That after the completion of said road, or any part thereof; the said president and directors may lay and collect toll from from all persons, goods merchandize or other commodities transported thereon: *Provided*, the toll shall not amount to more than twenty five per cent. per annum, of profit upon the amount invested in said stock.

Stock person-
al property.

Sec. 17. *And be it further enacted*, That the stock of said company shall be deemed personal property.

Approved, January 14, 1834.

[No. 81.]

AN ACT

To incorporate the town of Benton, in the County of Lowndes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Benton, in the county of Lowndes, be and the same is hereby incorporated; and that all that tract of land embraced in the north half of fraction one, in township fifteen and range twelve, of the district of land sold at Cahawba, together with one half of the Alabama river, lying along the said fraction, be and the same is hereby declared to be within the limits of the same. Incorporation and limits.

Sec. 2. *And be it further enacted,* That on the first Monday in April in each and every year, or within sixty days thereafter, an election shall be held at some public and convenient place in said town, for five trustees, who shall serve for the term of one year, which election shall be conducted by any two of the then acting trustees; and the said trustees shall on the day succeeding their election, or within one week thereafter in each and every year, meet and designate, by a majority of votes from their own body, a president, whose duty it shall be to preside at all meetings of the trustees, and in his absence or incapacity to attend, any member may be called to the chair, and a majority of said board of trustees shall constitute a quorum to do business, and said board is hereby constituted and declared to be a body politic and corporate by the name of the president and trustees of the town of Benton, and by that name shall have and enjoy all the rights, powers and privileges and be subject to all the liabilities that are incident to bodies corporate. Election of trustees.
President.
Duty of president.

Sec. 3. *And be it further enacted,* That the said corporation, shall have full and complete power to make such bye laws and ordinances as they may think proper for the good government of said town, and to affix such fines and penalties as may be deemed necessary to enforce the same; *Provided,* said laws and ordinances be not repugnant to the laws of this State and of the United States. Powers of corporation.
Proviso.

Sec. 4. *And be it further enacted,* That the said corporation shall be authorized to raise a revenue to carry into effect all the objects of the corporation, by laying a tax upon all town lots, houses, sales at auction, and on all species of merchandize vended or sold by the merchants of said town: *Provided,* that said tax shall not exceed one half of the county tax. Town tax.

Sec. 5. *And be it further enacted,* That the said corporation shall appoint a constable and such other officers as they may deem expedient. Constable & other officers.

Sec. 6. *And be it further enacted,* That the said intendant Powers of In-

shall ex-officio, be invested with all the powers and authorities that justices of the peace are by the laws of this State, and shall and may exercise the same within the limits of the said corporation, and the said constable shall be vested with all the powers and authorities that constables of the county are, by the laws of this State, and may exercise the same within the limits of said corporation, and the said intendant and constable shall be liable to the same restrictions and penalties as justices of the peace and constables of the county are.

How vacancies filled.

Sec. 7. *And be it further enacted*, That should any vacancies occur in the said board, such vacancies shall be filled by the remaining members of the board, and the member or members, so added, shall continue in office until the succeeding election, and the president, trustees and other officers shall continue in office until their successors are qualified.

Oath of officers.

Sec. 8. *And be it further enacted*, That the said president, trustees and other officers shall, before they enter on the duties of their respective offices, take an oath before some justice of the peace, faithfully and correctly to discharge the several duties imposed by this act, without favor or partiality.

Constable to give bond.

Sec. 9. *And be it further enacted*, That the said constable shall not only take the oath prescribed by this act, but shall, before he enters on the duties of his office, enter into bond with good and sufficient securities, to be approved by the president of said corporation.

Commissioners of first election.

Sec. 10. *And be it further enacted*, That George Burt, John B. Wilkins and John H. Nettles be and they are hereby appointed commissioners to hold the first election for said trustees, which elections shall be held on the first Monday in April, eighteen hundred and thirty-four, or within thirty days thereafter at the house of J. W. Kelly.

When election to be held and who shall be qualified voters.

Sec. 11. *And be it further enacted*, That the election for said trustees shall commence at the hour of twelve o'clock and be kept open until the hour of four in the afternoon, and that all free holders and house holders, twenty-one years of age and residing within the limits of the said corporation, be competent to vote for said trustees.

Approved, January 14, 1834.

[No. 32.]

AN ACT

In relation the town of Lowndesboro, in the County of Lowndes.

WHEREAS, by an act of the legislature, approved on the 17th day of December, anno domini, 1832, entitled an act to incorporate the town of Lowndesboro, in the county of Lowndes, it was provided that an election of councillors, under the provisions of the said act, should be holden on the first Monday in April, 1833: and whereas, in consequence of the non-pub-

lication of said act until after that time, the commissioners appointed to hold said election were not apprised of the authority granted by the said act, and failed to hold the said election.

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the failure to hold the said election, as provided by the tenth section of the said act, shall not divest the corporation, created by said act, of any rights, powers or privileges granted by the same, but that the said act shall be revived and continued in full force and effect: *Provided,* that an election for five councillors shall be holden at any time between the first Monday in April and the first Monday in June, anno domini, 1834; and Hartwell V. Smith, John Dudley and Warren Carleton are hereby appointed commissioners, and any two of whom may hold said election. Saving forfeiture of charter of corporation.

Sec. 2. *And be it further enacted,* That the failure to hold the annual election for councillors on the first Monday in April, in each and every year, as required by the second section of that act, shall not hereafter divest the said corporation of any of the rights, powers and privileges granted by said act: *Provided,* that the said election shall be holden on or before the first Monday in the succeeding June. Elections when held.

Approved, January 14, 1834.

[No. 83]

AN ACT

To incorporate the Alabama and Tennessee Rail Road Company.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the persons, who may become stockholders in the Alabama and Tennessee rail road company according to the provisions of this act, shall be and are hereby created a corporation and body politic, by the name and style of the President, Directors and Company of the Alabama and Tennessee Rail Road Company; and by that name, shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and realize to them and their successors, lands, rents, tenements, hereditaments, goods, chattles and effects, of whatsoever kind, nature or quality, in any amount not exceeding in the whole, two millions of dollars, including the capital stock of said company, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts having competent jurisdiction; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution, such bye laws, ordinances and resolutions, as they shall deem necessary and Incorporation

convenient for the good government of the said corporation not being contrary to the constitution thereof, or to the laws of the State or the United States, and generally to do and execute all and singular the acts, matters and things, which to them it shall or may appertain to do, subject nevertheless to the rules, restrictions, limitations and provisions herein after prescribed and declared.

Commissioners and their duties and powers.

Sec. 2. *And be it further enacted*, That John Simpson, James J. Hanna, Littleberry Leftwich and James Kirkman be, and they are hereby appointed commissioners to receive subscriptions for the purpose of erecting a rail road from the town of Florence to the State line, between the States of Alabama and Tennessee, towards the town of Pulaski, and terminating at such point on said line as may become the terminating point of a rail road from the town of Pulaski, running towards the town of Florence; that it shall be the duty of said commissioners to open books for the subscription of stock at the eagle hotel in said town of Florence, and at such other places as they may think fit, on the third day of March in the year 1834, and to keep said books open until the sum of seventy-five thousand dollars shall be subscribed, and the subscribers shall pay to the commissioners at the time of subscribing the sum of five dollars on each and every share of stock subscribed, which the commissioners shall pay over to the president and directors, to be chosen in the manner hereinafter mentioned, and until the president and directors be chosen as hereinafter mentioned.

Shall open books of subscription.

Meeting of stockholders.

Sec. 3. *And be it further enacted*, That when the sum of seventy-five thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a meeting of said stockholders for the purpose of electing seven directors of said rail road company, in the manner hereinafter prescribed, and the said directors when elected shall take an oath, faithfully to discharge the duties of directors of said corporation, and shall continue in office until the first Monday in January thereafter, and until their successors shall be duly qualified.

Stock and shares transferable.

Sec. 4. *And be it further enacted*, That the stock of said corporation shall be divided into shares of one hundred dollars each, transferable by endorsement and entry thereof in the books of said corporation, and the holder thereof shall be entitled to all the benefits, and subject to all the liabilities of an original stockholder.

How defaulting stock shall be sold.

Sec. 5. *And be it further enacted*, That if any subscriber of stock, in said rail road company, shall fail to pay his instalments, as required by said president and directors, they shall have the power to declare such shares forfeited to the company, and after giving thirty days public notice, to offer them for

sale at public auction for ready money, or so many as will be sufficient to pay the amount then due, and called in: a sale, thus made, shall vest the purchaser with all the rights of the original holder, but shall not release such holder from the payment of the balance that may be due on his subscription, should the stock sold produce less than the whole amount subscribed therefor, and should the money called in be paid before a sale actually takes place, together with the costs incurred preparatory to said sale, it shall restore the stock to the original holder notwithstanding the forfeiture.

Sec. 6. *And be it further enacted*, That for the purpose of Directors. managing the officers of the said corporation, there shall be seven directors, all of whom shall be stockholders, owning at least ten shares of stock, and there shall be annually elected at the town of Florence on the first Monday in January in each year, by the qualified stockholders of the stock of said corporation, or in one month thereafter, and each stockholder shall have the right to vote by proxy: *Provided*, that no one stockholder shall be entitled to more than one hundred votes, and the board of directors, annually, at the first meeting after their election in each and every year, shall proceed to elect one of the directors to be president of the corporation, who shall hold President. the said office during the same period for which the directors are elected as aforesaid.

Sec. 7. *And be it further enacted*, That the president and directors of the company hereby incorporated, after they shall have been organized, may proceed to open books to obtain Books for further subscription how to be opened. further subscription of stock, at such places as they may think fit, and they may, at their discretion, continue to receive subscriptions for capital stock, until the amount taken, be equal to three hundred thousand dollars, when no further subscriptions of stock shall be received, unless the same be authorized by a majority of the stockholders at some annual meeting, and the amount of such increase to the capital stock shall be by them particularly designated.

Sec. 8. *And be it further enacted*, That the said president and directors shall have power to erect and establish a rail road Powers and duties of president and directors. commencing at any part of the town of Florence, and running thence to the State line, between the States of Alabama and Tennessee, towards the town of Pulaski, to terminate at such point on said line as may be designated as the terminating point of a rail road from the town of Pulaski, running towards the town of Florence; they shall have power to make and perform all necessary contracts for erecting said road, and carrying on all other business of said corporation, and they shall have power to appoint all officers and employ such servants as may be

Liability of
stockholders.

necessary for managing the affairs of said corporation, and the stockholders shall be individually liable to their respective shares for all contracts made, bonds, bills, notes, executed by said president and directors in the name of said corporation, whether the same be under seal or not.

Further powers of president and directors.

Sec. 9. *And be it further enacted*, That the president and directors of said company shall have power to borrow money, contract debts, and be contracted with, upon the credit of the stock of said company, and to pledge personal or real estate for the payment of the debts of said corporation, and they shall have the power to require payment of the stock subscribed, in such instalments as they may deem for the interest of said

How land and materials shall be condemned, &c.

company; and in case the said president and directors cannot agree with the owners of lands or materials required for said road as to compensation therefor, or in case the owner thereof be an infant, non-resident, or *non compos mentis*, then, and in either case, it shall be lawful for the said president and directors to apply to the judge of the county court in which such lands or materials may be, and on such application, it shall be the duty of the judge forthwith to issue a warrant under his hand and seal, directed to the sheriff of said county, commanding him to summons the owner of such lands or materials, if found in his county, and also to summons a jury of twelve disinterested freeholders, to appear before him at the place where the county courts of such county are by law holden, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials so required, and in the case of lands they shall, in the same assessment, assess the damages that the owner thereof may sustain by reason of the land being so taken for the use of the road, and in all assessments of value and damage under this act, the jury shall take into consideration the advantages the defendant may derive from said road, and render their verdict accordingly; and it shall be the duty of the judge, before whom the said assessment is so made, to make a record thereof, and return the same to the clerk of the circuit court for said county and the said clerk shall enter the same as a cause on the trial docket of said court at the term next succeeding the return thereof, and on motion, if no objection be made, the same shall be affirmed and judgment thereof entered as in other cases; and if said motion be resisted, and sufficient cause in law be shewn, for setting aside said assessment, then judgment thereof shall be entered, and the court shall forthwith order an issue to be made between the parties to try the same matter, and the parties shall proceed thereon *de novo*, and at the same term of the court, unless sufficient cause be shewn by either party for the continuance

thereof, that the judgment of the circuit court, when for the complainant, shall be, that the land in question, or the materials as the case may be, is condemned to the use of the president, directors and company of the said rail road company, and that the said company shall pay to the defendant such sum together with costs as may be found by the jury to be a reasonable and proper compensation, and the same shall become vested in said company forever; and in all cases of final judgment the party aggrieved shall have his writ of error as in other cases: *And be it further provided*, that the work shall in no ways be delayed by any proceedings had in the premises, after the judge shall return to the clerk of the circuit court the assessment of the jury by him convened, but the president and directors tendering the sum so assessed to the owner, or on depositing the amount, for the use of the owner, with the clerk of the said circuit court, may proceed with the work as upon final judgment in favor of said claim, and in case of tender as aforesaid, and acceptance thereof, such acceptance shall be considered as a release of all errors in the proceedings, and the circuit court shall, on suggestion, inquire thereof and give judgment accordingly.

Sec. 10. *And be it further enacted*, That the president and directors of said company shall have the power to call meetings of the stockholders at any time, and a majority of the stockholders in value, either in person or by proxy, shall have power to transact business; such meetings shall have the power to remove the president and any of the directors and appoint others in their stead, and in case of death, removal, resignation, or refusal to act, of the president or any director, a majority of the residue shall have power to fill vacancies in the board until the next annual meeting of the stockholders, and shall have the power to remove any officer, agent or servant.

Meeting of stockholders.

Vacancies how filled.

Sec. 11. *And be it further enacted*; That the president, directors and company, in surveying or locating the route of said road, shall not have the power to remove any dwelling-house without the consent of the owner thereof; they shall not have the power to obstruct any highway, or to use the same, but shall provide suitable and convenient ways for crossing said roads; they shall in no ways exercise banking privileges, and they shall begin the work within three years and complete the same within ten years, or forfeit the charter hereby granted.

Corporation shall not remove dwelling houses nor obstruct highway.

When to commence and finish said work.

Sec. 12. *And be it further enacted*, That the president and directors of said company shall, at the annual meetings of the stockholders which shall convene on the first Monday in January in each year in the town of Florence, exhibit a statement of the affairs of the company for the information of the

President and directors to make exhibit at annual meetings.

stockholders, and such annual meetings shall be composed of the stockholders owning at least a majority of the stock in value, represented either by the stockholders in person or their proxies, and such stockholders owning a majority of stock in value shall have the same power as the whole of the stockholders to transact the business of the company, and at all meetings of the stockholders a majority of votes given in, according to the rule prescribed in the sixth section of this act, shall govern.

Dividends.

Sec. 13. *And be it further enacted*, That the president and directors shall annually or semi-annually declare and make dividends of the profits accruing to the said company, after deducting therefrom such sum as they may think sufficient for the current and contingent expenses of the company, and they shall divide the same among the proprietors of the stock, in proportion to their respective shares.

Contracts
How to be
made.

Sec. 14. *And be it further enacted*, That the president and directors of said company shall have the power, for and in behalf of said company, to enter into contracts with any person, company or corporation, for uniting the said road with any other road that may hereafter be constructed, or for making a joint stock with any other rail road company, or for the transportation of goods or produce to any point beyond the limits of said road.

Roads, &c.
vested in the
corporation.

Sec. 15. *And be it further enacted*, That the said road, with all works, improvements and machinery of transportation used on said road, are hereby vested in the company who shall have the same right to sue and recover, for any trespass or injury done to the same, as if provided by law to individuals in like cases, but the State hereby reserves the right to purchase said rail road at the par value of the stock thereof, with all cars and machinery thereunto belonging, at the end of fifty years from the date hereof, or at the expiration of every ten years thereafter.

Toll.

Sec. 16. *And be it further enacted*, That after the completion of said road or any part thereof, the said president and directors may lay and collect toll from all persons, goods, merchandize or other commodities transported thereon; *Provided*, the toll shall not amount to more than twenty-five per cent per annum of profit upon the amount invested in said work.

Stock person-
al property.

Sec. 17. *And be it further enacted*, That the stock of said company shall be deemed personal property.

Approved, January 14, 1834.

[No. 84.]

AN ACT

To incorporate the Montgomery Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Scott sen. Abner M'Gehee, George E.

Matthews, William B. S. Gilmer, Jesse P. Taylor, John W. Freeman, Thomas M. Coles, Andrew Dexter, Thomas James, John Goldthwaite, Charles P. Pollard, William Sayre, Edmund Hanrich, George Wragg, Benajah S. Bibb, Justice Wyman, Thomas S. Mays, George Whitman, Francis Bugbee, N. E. Benson, Joseph Hutchison, W. P. Convers, John Martin, P. D. Sayre, C. Hooks, Green Wood, J. H. Thorington, S. W. Goode be and they are hereby appointed commissioners, any thirteen of whom shall be competent to act, and to do all business necessary to be done, by virtue of this act of incorporation, and under the direction of a majority of whom, subscriptions may be received to the capital stock of the Montgomery rail road company, and they shall cause books to be opened in the town of Montgomery and city of Mobile, and such other place as they may think proper, for the purpose of receiving subscriptions, from time to time, to the capital stock of said company, until the sum of six hundred thousand dollars shall be subscribed, and shall give such public notice, not less than thirty days of the time and place of opening said books, as they may think proper.

Commissioners appointed to open books of subscription.

Sec. 2. *And be it further enacted*, That the capital stock of said rail road company shall not exceed three millions of dollars, in shares of one hundred dollars each, and that as soon as six hundred thousand dollars shall be subscribed, the subscribers of said stock, their successors and assignees shall be, and they are hereby declared to be incorporated into a company, by the name of the Montgomery rail road company; and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes hereinafter mentioned; and by said incorporate name, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of law or equity in this State, or elsewhere; to have and use a common seal, to alter and change the same at pleasure, to pass such bye laws, rules and ordinances, for the good government of said corporation, as to them may seem proper, and generally to do and exercise all matters and things necessary to carry into full and complete effect all the objects of this act: *Provided always*, that it shall not be lawful for the said corporation to use any part of its capital stock or funds for banking purposes, nor to emit, for circulation, any notes or bills, or make contracts for the payment of money, except under the seal of said corporation, and then alone for debts contracted by said corporation.

Amount of stock and shares.

Incorporation with usual powers.

Proviso

Sec. 3. *And be it further enacted*, That the sums subscribed to said capital stock shall be paid in such instalments and at such times as may be deemed best by the president and di-

Instalments how made.

How default-
ing stock to
be sold.

directors of said company: *Provided*, that no more than one third of the subscription be demanded in any one year from the commencement of the work, nor any payment demanded until at least sixty days public notice shall have been given of such demand by said president and directors, and if any subscriber shall fail or neglect to pay any instalment of said subscription thus demanded for the space of sixty days next, after said subscription shall become due and payable, said president and directors shall be authorized to sell said stock at auction, giving sixty days public notice of such sale, and said stock shall be deemed and considered in law as personal property.

When gener-
al meeting to
be called.

Sec. 4. *And be it further enacted*, That as soon as six thousand shares of said capital stock shall have been subscribed, the commissioners, hereby appointed, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least thirty days notice thereof, and at such meeting, the said commissioners shall lay the subscription books before the subscribers, then and there present, and thereupon the said subscribers, or a majority of them in value, shall elect thirteen directors by ballot, to manage the affairs of said company; and the directors thus chosen shall elect from among themselves a president of said company, and may allow him such compensation for his services as they may think proper; and in said election, and on all other occasions wherein a vote of stockholders of said company shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her: *Provided*, that no one stockholder shall be entitled to more than one hundred votes; any stockholder may depute any other person to vote and act for him, or her, as his or her proxy, and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

Election of di-
rectors how
held.

Who shall
vote.

Annual elec-
tions.

Sec. 5. *And be it further enacted*, That the president and directors of said company shall be chosen annually on the first Monday in March at Montgomery, by the stockholders of said company; and if any vacancy shall occur by death, resignation or refusal to act, of any president or director before the year for which they were elected shall have expired, a person or persons to fill such vacant place for the residue of the year shall be chosen by said president and directors, or a majority of them, and that the president and directors shall hold and exercise their office until their successors are chosen and qualified, and that all elections which are by this act or by the laws of said company to be made on a certain day, or at a particular time, if not made on such day, or at such time, may be made within thirty days thereafter.

How vacancy
filled.

Sec. 6. *And be it further enacted*, That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will, well and truly, discharge the duties of said office, to the best of his skill and judgment.

Oath of President and Directors

Sec. 7. *And be it further enacted*, That at the regular annual meeting of the stockholders of said company, it shall be the duty of said president and directors in office for the preceeding year to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders; to make and declare such dividends, as they may deem proper of the nett profit arising from the resources of said company after deducting the necessary current expenses, and they shall divide the same among the proprietors of the stock of said company in proportion to their respective shares.

President and directors to make statements.

Sec. 8. *And be it further enacted*, That the said president and directors shall have the power to call meetings of the stockholders at any time, stating in the call the business intended to be done, and no other shall be transacted at such called meeting: a majority of the stockholders in value, either in person or by proxy, shall be necessary to transact business, and at such called meeting, a majority of the stockholders in value shall have power to remove any president or any of the directors, and appoint others in their stead.

Call meeting how made.

Sec. 9. *And be it further enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of the business of said company, and may remove any of them at their pleasure; and a majority of them shall have power to determine by contract the compensation for all engineers, officers, and servants, in the employ of said company; and to determine, by the bye laws the manner and evidence of all transfers of stock in said company; and that a majority of them shall have power to pass all bye laws, which they may deem necessary and proper for exercising all the powers vested in this company hereby incorporated, and for carrying into effect the objects of this act: *Provided* only, that such bye laws shall not be contrary to the laws of this State, or of the United States.

How officers &c. shall be appointed.

Transfer of stock.

Sec. 10. *And be it further enacted*, That the president and directors of said company, or a majority of them, are empowered to borrow money to carry into effect the objects of this act; to issue certificates or other evidences of such loans, and to pledge the property of the company for the payment of the same, and its interest.

May borrow money and issue certificates of loans.

Sec. 11. *And be it further enacted*, That the president and directors shall be and they are hereby invested with all the

Further powers of the corporation.

rights and powers necessary to the construction and repair of a rail road from the town of Montgomery on the Alabama river to a place called West Point on the Chatahoochie river, or such other part of said river as they may think proper, and after completing said rail road to the Chatahoochie river, the said president and directors with the consent of two thirds of the stockholders in value, at a meeting to be called for that purpose, may make or cause to be made a rail road to extend from any part of the rail road so completed, to any part of the Tennessee river, and may also with two thirds of the stockholders in value, make or cause to be made, any number of lateral rail roads or tracks in connection with either of said main rail road, in any direction whatsoever within the limits of the counties through which said road may pass; and the said president and directors shall be allowed the exclusive right for fifty years from the completion of said roads to the Chatahoochie and Tennessee rivers, of using rail roads or locomotive engines between the waters of the Alabama and Chatahoochie rivers, and between either of the said rivers, and the Tennessee river: *Provided*, that this charter shall be void as to the said rail road to the Tennessee river, unless the same shall be commenced within five years, and completed within fifteen years, and as to the said road to the Chatahoochie river unless the same be commenced within three years, and completed in ten years: *Provided also*, that at the expiration of said fifty years, the State of Alabama shall be authorized to take the whole of said work as the property of the State upon the payment of the actual value of the stock of said company.

When works
to be com-
menced and
when to be
finished.

Land and ma-
terials how
condemned.

Sec. 12. *And be it further enacted*, That the said president and directors shall be authorized to contract for and receive conveyances for any land, stone or gravel, henceforth, which may be required in the construction of said rail road, and when the owner and the company cannot agree, or when the owner is an infant, or *non compos mentis*, then it shall be lawful for said president and directors to apply to any justice of the peace for a warrant directed to the sheriff of the county commanding him to summon a jury of seven disinterested freeholders a majority of whom shall be authorized to assess the damages under the same rules and regulations now established by law, in cases of other roads, said jury, forthwith, shall assess the value of said land, stone, gravel and timber, &c: subject to the right of an appeal to the circuit court by either party, who shall think themselves aggrieved, when the trial shall be *de novo* by a jury as in other cases, and the sheriff shall return the same to the office of the clerk of the county court of the proper county, and at the next term of the commissioners court, the same shall be affirm-

ed, if no objection; and if the court shall set the same aside, said court shall order a new writ and an assessment made in pursuance thereof shall be final, and the land, stone, gravel, lumber, &c., so contracted for or condemned, shall enure to the said company, upon the payment of the said money to the persons contracted with, or into court as the case may be, and the whole proceedings shall be entered of record in said court at the expense of said company: *Provided however*, that the said work shall in no wise be delayed on account of the proceedings had as aforesaid, but the said company on tendering the amount, to which the land, stone, gravel or timber shall have been valued, to the owner or depositing the same in the office of the clerk, of said court, may proceed with the same work if there shall be no appeal: *And provided further*, that no right shall exist in said company to pull down or remove any dwelling house without the consent of the owner thereof.

Sec. 13. *And be it further enacted*, That the said president and directors, after having had the track upon which said railroad is to run surveyed and selected, may proceed to let the same to contract: *Provided*, that they give sixty days public notice of the time and place of letting the same to contract, and the said road or roads, with all the works, improvements and machinery for transportation used on said roads, are hereby vested in said company and their successors.

Contract for
constructing
track, &c.

Sec. 14. *And be it further enacted*, That in case any person shall wilfully injure or obstruct in any degree the said road or roads, he shall forfeit and pay to the president and directors of said company three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases, and on complaint made to any magistrate within whose jurisdiction such offence shall be committed it shall be the duty of such magistrate to bind over the person or persons so offending, with sufficient security for his or their good behavior, for a term not less than one year, and such offenders shall also be subject to indictment, and shall be sentenced at the discretion of the court to be imprisoned not less than six months, nor more than eighteen months.

Penalty of
persons injuring
said roads

Sec. 15. *And be it further enacted*, That in the construction of said railroad the president and directors shall not obstruct or use any public roads, now or hereafter to be established, but shall provide suitable and convenient ways, by which they shall cross the rail roads.

Highways not
to be obstructed.

Sec. 16. *And be it further enacted*, That after the completion of said road or any part thereof, the said president and directors may lay and collect tolls from all persons, property,

Tolls.

merchandize or other commodities transported thereon: *Provided*, that the said company shall not charge for transportation on said road more than at the rate of fifty cents per hundred weight for every hundred miles, and at the same rate for a greater or less distance, nor more than six cents for every passenger per mile.

Approved, January 15, 1834.

[No. 85.]

AN ACT

To incorporate the Madison Turnpike Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That David Moore, Stephen S. Ewing, John Hardie, John Read, Francis T. Mastin, James J. Donegan and Henry Stokes be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of seventy-five thousand dollars, to be applied to the construction of a McAdamized road, from the Green Bottom Inn, in Madison county, to the corporate limits of the town of Huntsville, and from the corporate limits of said town, on the south, to Whitesburg, on the Tennessee river; also to construct a like road from the corporate limits of said town of Huntsville, on the west, to the top of Russell's hill; which said sum of seventy-five thousand dollars shall be divided into shares of twenty-five dollars each, and the subscription shall be in person or by attorney; and so soon as twenty thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a meeting of the subscribers in the town of Huntsville, of which meeting, the commissioners shall give twenty days notice, in some newspaper printed in said town; and the said subscribers, from and after the first meeting, shall be and they are hereby constituted a body politic and corporate, by the name of the Madison turnpike company, and shall so continue and as such, may sue and be sued, plead and be impleaded, answer and be answered, sell and purchase, and have a common seal. The subscribers or a majority of them, who shall be present at the first meeting, shall elect nine directors, being share holders, who shall elect one of their body president of the board of directors; and the president and directors, thus chosen, shall continue in office one year, and until another election shall take place. The president and directors, thus chosen, shall have power to receive subscriptions for the residue of the sixty thousand dollars, until the whole sum shall be subscribed for; and to make contracts with any person for the construction of said roads, and for performing such other work thereon as they may think proper and necessary; and to require, from time to time of the subscribers, such advances on the respective shares as the wants of said company may require and demand, until

Commissioners to open books of subscription.

Shares.

Meeting of subscribers.

Incorporation

President and directors.

Payment of stock.

the whole subscription shall be paid: *Provided*, that no call shall be made for more than five dollars at any one time on each share, of which, thirty days notice shall be given in some newspaper, printed in the town of Huntsville. Said directors shall have power, upon all emergencies, to call a general meeting of the subscribers, giving thirty days notice in a newspaper, printed in Huntsville; and it shall be their duty to call such general meeting under the regulations aforesaid, whenever a majority of the stockholders shall require it. They shall also, be empowered to appoint a treasurer, clerk and such other officers as may be necessary to sign and settle all accounts, and to transact all business of the said company, during the intervals between the general meetings.

General meetings when and how called.

Treasurer.

Sec. 2. *And be it further enacted*, That if any subscriber shall fail to pay the sum of five dollars on each share, within thirty days after the same shall have been required by advertisement as aforesaid, it shall be lawful for the president and directors, to sell at auction, and convey to the purchaser the share or shares of such subscriber thus failing or refusing to pay, and after retaining the sum due, with costs of sale, to pay over the surplus to the former owner of such share or shares; and if the sales shall not produce the sums to be advanced, with interest and incidental charges, in that case, it shall be lawful for the company to recover the balance of the original proprietor, on motion before the county or circuit court, where such delinquent resides, ten days previous notice being given, or by warrant before any justice of the peace, where the sum does not exceed fifty dollars, upon giving the notice aforesaid; and all persons, purchasing under the sale of the president and directors, shall be subject to the same rules, regulations, restrictions and penalties as are the original proprietors.

Defaulting stockholder's stock how sold, &c.

Sec. 3. *And be it further enacted*, That the president and directors, or any five of them, shall be sufficient to transact ordinary business, and all vacancies, which shall happen in the office of president or directors between the regular meetings of the share holders, shall be supplied by the directors, two thirds of the whole members being present. The clerk shall keep a regular journal of all the proceedings had and motions made at the several meetings, and each director shall be at liberty to call for the yeas and nays upon any question, and it shall moreover be the duty of the president and directors to furnish printed certificates, stating the number of shares held by each subscriber, which certificate shall be transferable by deed, which shall be recorded in a book kept by said company, acknowledged by the vendor or proved by two witnesses before the said clerk, which transfer, thus recorded, shall, to all intents and purposes,

Vacancies how filled.

Clerk to keep journal.

Printed certificate of stock.

constitute the assignee a member of said company, subject to all the rules and regulations thereof.

Electors how
and when
held.

Sec. 4. *And be it further enacted,* That an election for directors of said company shall be annually held in the town of Huntsville, on the same day of the same month on which the first election was held, (unless the same be on Sunday, and then on the day following,) and at each election, including the first, the shareholders present or by proxy, by a plurality of votes, shall elect by ballot said directors, and if said election should not take place on that day, it shall be held in the same manner and with like effect, on some early day to be appointed by the president and directors then in office, of which thirty days notice shall be given in a newspaper, printed in the town of Huntsville, and to constitute any such annual meeting of the company, the presence of a majority of shareholders, by themselves or proxy, shall be necessary. In counting votes, each member shall be allowed one vote for each share, as far as ten shares, and one vote for every five shares above ten, held by him in the company at that time, and the directors shall render fair and distinct accounts of their proceedings and of all disbursements of money, to each annual meeting of the subscribers, previous to the election of directors by said meeting for the ensuing year.

Direct's shall
render acc'ts.
annually.

How & where
the roads shall
be construct-
ed.

Sec. 5. *And be it further enacted,* That said company shall construct said roads on the sites of those now in use, so far as they may deem expedient, but may deviate therefrom should they think fit, for the purpose of straightening said road. The said roads shall be laid out thirty feet wide, twenty-one feet of which shall be bedded with stone or gravel, well compacted and of sufficient depth to secure a solid foundation. It shall be faced with gravel or broken stone of a depth not less than nine inches in such a manner as to secure a firm and even surface, rising in the middle by a gradual arch, to be protected on the sides by ditches so constructed as to permit, when practicable, carriages to turn off said roads; all the culverts and bridges on said roads shall be of stone, the bridges to be secured by substantial railing on the sides.

How road to
be adjudged.

Sec. 6. *And be it further enacted,* That so soon as the president and directors shall have completed the road from the corporate limits of the town of Huntsville, to the Green Bottom Inn, or shall have completed the road from the corporate limits of said town of Huntsville, west to the top of Russell's hill, or shall have completed five miles of the road from the corporate limits of said town of Huntsville to Whitesburg, they shall give notice thereof to the judge of the county court of Madison county, who shall thereupon appoint three discreet

freeholders not interested in said roads, to view the same, and to report to him in writing whether said road is completed in a workman-like manner, according to the requisitions of this act, and if they or a majority of them report in the affirmative, it shall be the duty of said judge to issue a license under the seal of said county to said president and directors, and their successors in office, to erect toll gates and collect tolls, as is authorized by this act, and in like manner shall license be granted and toll gates erected when the whole shall be completed: *Provided*, nevertheless, that no gate shall be erected nearer than two and a half miles from the town of Huntsville or the town of Whitesburg, except that the gate on the western road shall be erected at the western extremity of the same, nor more than one gate erected on each of the roads leading north and west of the said town of Huntsville, nor more than two gates on the road from the town of Huntsville to the town of Whitesburg.

Toll gates to be erected.

Sec. 7. *And be it further enacted*, That it shall be the duty of the judge of the county court of Madison county, and the commissioners of roads and revenue of said county, annually to appoint three inspectors of said turnpike roads, authorized by this act, whose duty it shall be, upon the complaint of any two freeholders in writing, that said roads are out of repair, to inspect the same, and if they find the complaint to be just they shall give notice in writing of such defect to the toll gatherer nearest the place out of repair, or may order the gates to be opened at their discretion: *Provided*, that no order shall be made, without five days previous notice to making such order, and *Provided also*, that at the end of that time the road shall not be repaired.

Inspectors to be appointed.

Proviso.

Sec. 8. *And be it further enacted*, That whenever said inspectors shall order any gate to be opened, no toll shall be collected, nor shall the gate be closed until a certificate be granted by the inspectors or a majority of them that the road is repaired.

When no toll to be taken.

Sec. 9. *And be it further enacted*, That if the keeper of any gate, ordered to be thrown open, shall not immediately obey such order, or shall not keep the same open until a certificate be granted permitting it to be closed, or shall hinder or delay any one in passing, or shall at any time take more toll than is allowed by law, the said company for each and every such offence shall forfeit and pay, to the party aggrieved, the sum of ten dollars, to be recovered, with costs of suit before any competent tribunal.

Penalty for refusing to open gates when ordered.

Sec. 10. *And be it further enacted*, That if any one shall forcibly or fraudulently pass any turnpike gate, or shall dig up or spoil said road, he, she or they, committing such offence

Penalty for forcibly passing or injuring the roads, &c

shall be subject to a penalty of ten dollars, in addition to the damages resulting from such wrongful act, which penalty shall be recovered by said company, before any justice of the peace in the county of Madison or other competent tribunal.

Toll.

Sec. 11. *And be it further enacted*, That the following shall be the rate of toll receivable at each gate on said turnpike roads; for every twenty head of hogs or sheep, twenty cents; for every twenty head of horned cattle, thirty-seven and a half cents; for every horse, mule or jack-ass, not employed in drawing a carriage, four cents; and so in proportion for any greater or less number of the above named animals; for every four wheeled pleasure carriage, thirty-seven and a half cents; for every two wheeled pleasure carriage, eighteen and three fourth cents; for every loaded wagon, thirty-seven and a half cents, for every empty wagon, eighteen and three fourth cents; for every man and horse, twelve-and a half cents; for every loaded cart, eighteen and three fourth cents; for every empty cart, twelve and a half cents; for every mail coach or stage, thirty-seven and a half cents: *Provided*, that the rate of toll at the gate on the road from the town of Huntsville on the west to the top of Russell's hill, shall be one half only of the foregoing rate fixed for the other gates, *and provided further*, that the rate of toll

When no toll or only half toll shall be paid.

for a man and horse in every case in which the man may be a resident of the said county of Madison, shall be one half only of the foregoing rate for a man and horse, and that no toll shall be required or charged for a man and horse in cases in which the man is a resident of said county, and may be going to Huntsville to attend or returning home from any court, muster, general election, or the service of any church in said town. The tolls when received shall be applied by the president and directors to finishing and completing the residue of said roads, and so soon as said roads shall be entirely completed, according to the true intent of this act, a majority of the stockholders may and shall order the nett profits from the tolls hereby granted to be divided half yearly among the proprietors of said company in proportion to their respective shares, and should any person refuse to pay the toll hereby granted, at the time of offering to pass, the toll gatherer may lawfully refuse a passage to such person or thing, liable to toll as aforesaid, and if any person, article or thing liable for toll, shall by any ways pass without payment thereof on demand made, and refusal to pay, the toll gatherer may by warrant, in the name of said company from any justice of the peace, recover from the owner or person in possession of such article or thing subject to toll, five dollars for each offence.

How toll shall be applied.

Persons refusing to pay toll how proceeded against.

Sec 12. *And be it further enacted*, That if said company

shall not begin the said work within two years after said company shall have been formed, or shall not have completed the said road within seven years thereafter in the manner herein directed, then and in that case all the right and interest in said roads and tolls, hereby vested in said company, shall forever cease and be forfeited.

When roads to be commenced and completed.

Sec. 13. *And be it further enacted*, That the president and directors of said company shall have power to borrow money, contract debts, and be contracted with, upon the credit of the stock of said company, and to pledge personal and real estate for the payment of the debts of said corporation; and it shall be lawful for said company in the location of said roads to select necessary sites for the location of gates and toll houses, not exceeding two acres at any one point; also to locate parts of said roads on private property if they shall deem it necessary to deviate from the present site of either road, and in case the said president and directors cannot agree with the owners of lands or materials required for said roads as to compensation therefor, or in case the owner thereof be an infant, non-resident or *non compos mentis*, then, and in either case, it shall be lawful for the said president and directors, to apply to the judge of the county court of Madison county, and on such application it shall be the duty of said judge forthwith to issue a warrant under his hand and seal, directed to the sheriff of said county of Madison, commanding him to summon the owner of such land or materials if found in his county, and also to summon a jury of twelve disinterested freeholders to appear before him on the land or at the place where such materials may be, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials so required; and in the case of lands, they shall, in the same assessment, assess the damages that the owner thereof may sustain, by reason of the land being so taken for the use of said road; and in all assessments of value and damages under this act the jury shall take into consideration the advantages that the defendant may derive from said road, and render their verdict accordingly. And it shall be the duty of the said judge to make a record thereof and return the same to the clerk of the circuit court of Madison county, and the said clerk shall enter the same as a cause on the trial docket of said court, at the term succeeding the return thereof, and on motion, if no objection be made, the same shall be affirmed, and judgment thereof entered as in other cases; and if said motion be resisted, and sufficient cause in law be shewn for setting aside said assessment, then judgment thereof shall be entered, and the court shall forthwith

Powers of directors and president.

How lands & materials are to be condemned.

Appeal.

order an issue to be made between the parties to try the same matter, and the parties shall proceed therein *de novo*, and at the same term of the court unless sufficient cause be shewn by either party for the continuance thereof. That the judgment of the circuit court, when for the claimants, shall be that the lands in question, or the materials as the case may be, are condemned to the use of the said Madison turnpike company, and the said company shall pay to the defendant such sum, together with costs as may be found by the jury to be a reasonable and proper compensation, and the same shall become vested in said company forever. And in all cases of final judgment the party aggrieved shall have his writ of error as in other cases: *And be it further provided*, that the work shall in no wise be delayed by any proceeding had in the premises, after the judge of the county court shall return, to the clerk of the circuit court, the assessment by the jury by him convened, but the president and directors tendering the sum so assessed to the owner, or on depositing the amount for the use of the owner of such land or materials with the clerk of said circuit court, may proceed with the work, as upon final judgment in favor of said claim: and in case of tender as aforesaid, and acceptance thereof, such acceptance shall be considered as a release of all errors in the proceedings, and the circuit court shall, on suggestion, inquire thereof and give judgment accordingly.

Liability of stockholders.

Sec. 14. *And be it further enacted*, That the stockholders shall be individually liable, in proportion to their respective shares, for all contracts made, bonds, bills and notes executed by said president and directors in the name of said corporation, whether the same be under seal or not.

Stock personal property.

Sec. 15. *And be it further enacted*, That the stock of said company shall be deemed personal property.

Fees of county court judge and jury.

Sec. 16. *And be it further enacted*, That the president and directors shall pay to the judge of the county court two dollars for each warrant he may issue under the authority of this act, one dollar per day to each freeholder who may be summoned before him under the same, and one dollar to each inspector for every day they may be engaged in performing the duty required of them by this act.

Thirty days notice to be given of the time & place of opening books of subscription.

Sec. 17. *And be it further enacted*, That the commissioners appointed by the first section of this act, shall give thirty days notice in one of the newspapers published in the town of Huntsville, of the time when the books will be opened to receive subscriptions of stock, and that no person shall be allowed to subscribe for more than thirty shares until after the expiration of ten days from the time said books shall be first opened as aforesaid.

Approved, January 14, 1834.

AN ACT

[No. 86.]

To revive, repeal in part, and amend an act entitled an act to incorporate the Town of Erie, in the county of Greene, approved the 14th day of December, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above recited act be and the same is hereby revived, and the corporate limits of said town are hereby extended and enlarged, so as to include the out lots adjoining and annexed to said town, and the landings on the Black Warrior river, at and adjacent to said town.

Revival and extension of former charter.

Sec. 2. *And be it further enacted,* That an election shall be held at the court house in the said town of Erie, on the first Monday in February next, and on the same day in every succeeding year, to commence at 12 o'clock noon, and close at 4 o'clock in the evening, for the purpose of electing an intendant and six councillors, inhabitants and freeholders of said town, who shall serve for the term of one year, and until their successors are duly elected and qualified; which election shall be held by some justice of the peace and two freeholders or house holders of said town: And it shall be the duty of the said intendant to preside at all meetings of the board of intendant and council, and preserve order and decorum, and in the event of his absence or incapacity, any councillor may be called to the chair for the time; and the said intendant and councillors are hereby declared and constituted a body politic and corporate, by the name and style of the intendant and council of the town of Erie, and by that name they and their successors in office shall be capable in law, of suing and being sued, of pleading and being impleaded, in all manner of suits either in law or equity, and they shall have full power and authority to keep a common seal, and the same to break, alter, or amend at pleasure, and in general to do and perform all acts which are usually incident to bodies corporate, to purchase or receive, hold, use or dispose of real or personal property to the amount of twenty thousand dollars.

Election of councillors & intendent.

Incorporation

Sec. 3. *And be it further enacted,* That the said intendant and council shall have power to pass bye laws and ordinances, necessary and proper to carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said town, to prevent and remove nuisances, to punish and suppress gaming, and the keeping of gaming tables; to establish night watches, and patrols, to establish, alter and ascertain new streets and alleys, with the consent of the proprietors of lots or houses adjoining such streets, or alleys; to provide for licensing, taking, regulating and restraining theatrical amusements, and shows or exhibitions of every description in said town, to have and keep in repair the

Powers of the council.

streets and alleys of said town, to have and exercise a general superintendence and control over the wells and springs of said town, to establish necessary inspections; to erect a market house, establish and regulate markets; and the said intendant and council shall have full power and authority to alter, amend, repeal or revoke at pleasure, all bye laws and ordinances by them passed or adopted, and to provide for the execution of all bye laws and ordinances, that may at any time be in force; the said intendant and council shall also have power and authority to

Treasurer & Constable. appoint a treasurer, assessor and tax collector and constable, and such other subordinate officers as they may think necessary; and by ordinance or by law require such security from the several officers so appointed, to annex such fees to the several officers; to impose fines for neglect of duty in office not exceeding twenty dollars, as they shall deem fit and proper; they are also hereby empowered to lay and collect such fine or fines, not exceeding twenty five dollars, for a breach or breaches of their bye laws and ordinances as they may deem proper: *Provided always*, that in all cases where they impose a greater fine than

Fines. five dollars, an appeal shall lie from their decision to the circuit court of Greene county, upon the defendant entering into bond with good security within five days from the time of trial, conditions for the faithful prosecution of such appeal, and the payment of all such debt, damages, and costs, as may be awarded and adjudged by the said circuit court; and all fines imposed and collected shall be paid to the treasurer for the benefit of said town.

Appeal.

Q. n tax. Sec. 4. *And be it further enacted*, That the said intendant and council shall have full power and authority, annually, to levy, assess, and collect a tax, not exceeding one half of one per cent. upon the value of all real estate and property in said town, to be assessed and collected by the assessor and collector, according to such rules and regulations as may be adopted;

Poll tax. they shall also have power to lay and collect a poll tax not exceeding one dollar on each white male inhabitant in said town above the age of twenty one years: *Provided*, he shall have resided within said town three months, immediately preceeding the time the tax shall have been assessed; they shall also have power to lay and collect a tax on all four wheel pleasure carriages, in said town, not exceeding one dollar; on all retailers of spiritous or other liquors, goods, wares and merchandise, or either of them, not exceeding ten dollars per annum, and no other corporate taxes than those specified in this act shall be assessed or collected in said town.

Proviso.

Vacancies how filled. Sec. 5. *And be it further enacted*, That when any vacancy shall happen either in the office of intendant or council, by

death, resignation, or otherwise, such vacancy shall be filled by the remainder of the board, and the intendant or councilmen so appointed shall continue in office for the remainder of the term only; and if there should be a failure to hold any annual election for intendant and councillors, on the day mentioned in this act for that purpose, it shall be lawful to hold such election at any time within one month thereafter; and the board of intendant and council in office, anterior to every such election, shall not be dissolved until such election shall be held, and the intendant and councillors elected duly qualified.

Sec. 6. *And be it further enacted,* That the said intendant and council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish the same, and all bye laws and ordinances, either in some newspaper in said town, or at two public places in said town. Clerk and his duties.

Sec. 7. *And be it further enacted,* That the intendant and council first elected under this act and their successors in office, shall, severally, before they enter on the discharge of the duties of their respective offices, take an oath before some justice of the peace, that they will faithfully and impartially discharge the duties of their respective offices; a certificate of which oath shall be filed with the clerk of the board of intendant and council. Oath of councillors.

Sec. 8. *And be it further enacted,* That all free white male persons of the age of twenty one years, who shall have resided within the limits of said town six months immediately preceeding an election for intendant and councillors, and all land holders, or free holders therein, shall be deemed qualified electors at such election. Who shall be qualified voters.

Sec. 9. *And be it further enacted,* That each and every person who may be elected an intendant or councillor, in and for said town, shall be *ex-officio*, a justice of the peace, during the time he, or they may continue in office, within the limits of said town, for the purpose of executing, and carrying into effect the bye laws and ordinances of said intendant and council; and for trying all persons violating or committing a breach of the same, with full powers to issue all necessary summonses, warrants, executions, whether against the person, or property; or other process.

Sec. 10. *And be it further enacted,* That all persons residing within the corporate limits of said town, shall be exempt from working on roads, or performing road duties without said limits; and in like manner no person residing without said limits shall be compelled to work within the same. Exemption from working on roads.

Sec. 11. *And be it further enacted,* That all acts and parts of acts, contrary to this act be, and the same are hereby repealed. Repeal.

Approved, January 14, 1834.

[No. 87.]

AN ACT

To provide for the election of Commissioners in the town of North Tuscaloosa; and to appoint Commissioners to superintend the public buildings in the county of Walker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Election of
commission-
ers.

convened, That an election shall be held on the first Saturday in March next, at the tavern of J. Cleveland in said town; and on the same day in each succeeding year, for the purpose of electing five commissioners under the same rules and regulations as provided by the second section of the act to incorporate said town, passed the second day of January, 1833.

Who shall
hold elections

Sec. 2. *And be it further enacted*, That the first election for said commissioners shall be held under the direction of A. H. White, Charles Snow and B. T. Teerce; and all subsequent elections shall be held as provided for by the third section of the act incorporating said town: *Provided however*, that in case the persons appointed should fail to hold the election on the first Saturday in March next, they may hold said election on some other day, by first giving ten days public notice of the same.

Appointing
comm'rs.

Sec. 3. *And be it further enacted*, That Hendricks Snow, Samuel B. Patton and Levi Ledes, senr., be and they are hereby appointed commissioners to superintend the public buildings in the county of Walker, with the same power and authority as heretofore given by the act appointing commissioners to superintend the public buildings for said county.

Approved, January 14, 1834.

[No. 88.]

AN ACT

Permanently to locate the Seat of Justice in Franklin County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Duty of sher-
iff and mana-
gers of elec-
tion.

convened, That it shall be the duty of the sheriff of Franklin county, at the August election for 1835, to be holden for representatives, to require each person voting at said election, to say, on his ticket Russelville, or Tuscumbia, and it shall be the duty of the managers of said election, at each precinct, to make return to the sheriff of said county, as all other returns are required to be made of votes so taken.

Sec. 2. *And be it further enacted*, That if a majority of the votes should be in favor of Tuscumbia, it shall be the duty of the sheriff to notify the judge of the circuit and county courts of the same, and also to notify the clerks of said courts.

Duty of clerks

Sec. 3. *And be it further enacted*, That if a majority of the votes, taken as aforesaid, shall be in favor of a removal of the seat of justice to Tuscumbia, then and in that case, it shall

be the duty of the clerks of said courts to make all process issued in 1835, that are returnable after the first day of January 1836, to make them returnable at Tuscumbia, which shall be the place of holding courts for said county, after the first day of January 1836: *Provided*, the citizens of Tuscumbia, with those living in the Tennessee Valley, and within the limits of the 37th regiment in Franklin county, will provide a suitable house in said town for holding courts, until one can be built: *And provided further*, that the citizens of Tuscumbia, with those living within the bounds of the 37th regiment, will raise a sum sufficient for the erection of the new court house in the town of Tuscumbia. Proviso.

Sec. 4. *And be it further enacted*, That the citizens of the town of Tuscumbia, with the citizens of the 37th regiment, shall build a new court house in the town of Tuscumbia, free of any charge or expence to the citizens of Russels valley, comprising the citizens of the 9th regiment. Court house how built.

Sec. 5. *And be it further enacted*, That the citizens of Tuscumbia, with the citizens of the 37th regiment, may use their own discretion in the mode of raising the means for making or building the new court house by subscription, taxation or otherwise, any law, usage or custom, to the contrary notwithstanding. How funds to be raised.

Approved, January 16, 1834.

[No. 89.]

AN ACT

To form a company beat of Militia of a less number of privates than forty in the County of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, there shall be formed a new company beat of militia, of a less number of privates than forty men in the 18th regiment of the Alabama militia, in the county of Tuscaloosa, and bounded as follows; to commence at the north east corner of the 18th township, range 12 west, thence south till it strikes Thorington's creek, thence down said creek to where it intersects the Sipsy river, thence to run from the 15th section in the 19th township, west to Pickens county line, thence along said line till it strikes the Fayette county line, thence east to the beginning, which shall constitute a militia company beat, number nine of the 18th regiment in Tuscaloosa. Limits of beat.

Sec. 2. *And be it further enacted*, That the company thus formed shall be officered in the like manner as the other militia beats are in this State, and as soon as said company is organized the captain is hereby authorized to hold an election for two justices of the peace, if there is no justice residing within the limits of said company, Officers.

Approved, January 16, 1834.

[No. 90.]

AN ACT

To repeal an act entitled an act to regulate the payment of Petit Jurors in the county of Baldwin, and for other purposes..

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act entitled an act to regulate the payment of petit jurors in the county of Baldwin, approved 10th January, 1831, be and the same is hereby repealed; and the petit jurors of said county shall be paid in conformity with the general law providing for the payment of jurors.

Sec. 2. *And be it further enacted,* That hereafter there shall not be more than thirty-six jurors summoned to attend each term of the circuit court of Baldwin county.

Approved, January 16, 1834.

[No. 91.]

AN ACT

To authorize Peyton Bibb to erect a Wharf on the Alabama river, at a place therein named.

Where wharf
shall be erect
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Peyton Bibb be and he is hereby authorized to erect a wharf on the Alabama river, on the west side of lots No. one, two and three, in square No. thirty-five in the town of Montgomery; and to dig down the bluff at the south west corner of lot No. three, so as to make an easy admission for downward craft into a natural basin lying on the south side of lot No. three; and that he be authorized to collect, demand and receive of and from the owners or consignors of all goods which shall be landed from the Alabama river upon said wharf, or from said basin, and from the owners of all goods which shall be sent from said wharf by the Alabama river; and from the owners or captains of steam boats, barges, flats or rafts which shall lay at the said wharf or in said basin as he shall direct or appoint, not exceeding the following rates; for each bale of cotton, eight cents; each bushel of grain or salt, two cents; each barrel, five cents; each hogshead or pipe, twenty cents; each thousand feet of lumber, seventy-five cents; all boxes, packages and merchandize usually charged by measurement, at the rate of one cent per foot; and for all steam boats, barges, flats or rafts, to receive and collect a sum not exceeding two dollars per day for each day they may remain at said wharf or in said basin: *Provided,* that nothing in this act shall be so construed as to prevent the legislature from altering or amending the above rates of wharfage upon the petition of fifty or more petitioners, resident in the county of Montgomery, notice of such petition having been served upon the said Peyton Bibb, twenty days before the same shall be presented to the general assembly.

Wharfage.

Proviso.

Approved, January 16, 1834.

[No. 92.]

AN ACT

To establish a Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Clement Billingslie, B. B. Lamar, Willis Atkins, Henry Lucas, Green Wood and Thomas M. Cowles be and they are hereby appointed commissioners, or a majority of them, to mark and lay out a road, the nearest and best route from the Line creek road, commencing at or near Killcrease's creek, and crossing the Tallapoosa river at the old Augusta ferry; thence to Buck's bridge on Hachacuba creek; thence to the Tuckabatcha town, in Tallapoosa county.

Comm'rs to lay out road.

Sec. 2. *And be it further enacted,* That before the said commissioners enter upon the discharge of their duties herein assigned them, they shall take and subscribe to the following oath, to wit: I do solemnly swear, that I will truly and faithfully, to the best of my judgment, mark out a road agreeably to the first section of this act, and report the same to the commissioners of roads and revenue for Montgomery county.

Oath of commissioners.

Sec. 3. *And be it further enacted,* That the judge of the county court and commissioners of roads and revenue shall, on the receipt of the report of the said commissioners, appoint an overseer to open the same, who shall be governed in all cases, by the laws now in force, in opening new roads.

Overseer.

Approved, January 16, 1834.

[No. 93.]

AN ACT

To authorize William Wilson to emancipate certain slaves therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Wilson, of the county of Dallas, be and he is hereby authorized to emancipate and set free a certain male slave named Jim, and a certain female slave named Livina, on condition that the said slaves shall remove, within one year, beyond the limits of this State, never more to return.

Conditions of emancipation

Sec. 2. *And be it further enacted,* That if the said slaves shall return within the limits of this State, after they shall be so removed and emancipated, they shall be apprehended by the sheriff of the county where they may be found, and by him advertised and sold as slaves for life; and the proceeds of such sale, after paying all necessary expenses, shall be paid into the county treasury of the county where they shall be sold.

Penalty for returning.

Sec. 3. *And be it further enacted,* That in case the said Wilson shall so emancipate the said slaves, it shall in no wise prejudice the rights of any creditor or creditors of him the said Wilson, but they shall be subject to be sold to pay any and all of his just debts.

Rights of creditors saved.

Approved, January 16, 1834.

[No. 94.]

AN ACT

To provide a fund for compensating the grand and petit jurors of the County of Marion.

Special tax.

How levied
and paid overThirty-six ju-
rors to be sum-
moned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the judge of the county court and commissioners of revenue and roads of the county of Marion, annually, when they assess the county tax for said county, to assess also, a special tax, not to exceed one hundred per cent. upon the State tax for that year, and it shall be the duty of the tax collector to collect, account for and pay over the same, in the same manner and under the same responsibility, and for a like compensation, as the other county tax; and the said tax, when so levied and paid over to the county treasurer, shall be by him set apart to itself, and shall constitute a fund exclusively for the payment of the grand and petit jurors for the county of Marion hereafter to be drawn: and shall not be subject to be drawn upon or appropriated for any other purpose, on any pretence or pretext whatsoever.

Sec. 2. *And be it further enacted,* That there shall be summoned to attend the circuit court of Marion county, at the several terms thereof, thirty-six jurors and no more to be drawn and summoned in all respects as now provided by law.

Approved, January 16, 1834.

[No. 95.]

AN ACT

Divorcing Ebenezer Whiting from his wife Lucy M. Whiting.

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the circuit court of the county of Greene, exercising chancery jurisdiction, the bonds of matrimony, heretofore solemnized and subsisting between Ebenezer Whiting and Lucy M. Whiting, be and the same are hereby declared null and void, and that the said Ebenezer Whiting be henceforth divorced from the said Lucy M. Whiting.

Approved, January 16, 1834.

[No. 96.]

AN ACT

For the the relief of Solomon Evans.

Duty of receiver
at Court-
land.

Proviso,

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the receiver of the land office at Courtland is hereby authorized and required to pay to Solomon Evans, or his assigns, the amount heretofore paid for the purchase money of the north half of the east half of the north-east quarter, section seventeen, township two, range ten west, as described in certificate No. three thousand six hundred and sixty-eight of that office: *Provided,* the said Solomon Evans does, on or be-

fore the first day of May next, return the certificate of said tract of land to the register, with a relinquishment thereon of all title or claim to said land.

Sec. 2. *And be it further enacted*, That said tract of land described in the first section of this act, shall, when relinquished, be subject to sale or entry in the same manner as other lands that have never been entered. Tract subject to sale or entry.

Approved, January 16, 1834.

[No. 97.]

AN ACT

For the relief of the Captain of the Perseverance Fire Engine Company No. 1, of the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That B. Tardy, captain of perseverance fire engine company No. 1, of the city of Mobile, and his successors in office shall hereafter be exempt from the performance of jury duty, and the payment of road taxes in the county of Mobile.

Approved, January 16, 1834.

[No. 98.]

AN ACT.

For the relief of Henry Stovall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the receiver at the land office at Courtland is hereby authorized and required to receive from Henry Stovall as purchaser of the west half of the south west quarter of section three, in township six and range four west, one dollar and twenty-five cents per acre, as full payment therefor under the same rules and regulations as if the said tract had been originally entered at that price. Duty of the receiver of the land office at Courtland.

Sec. 2. *And be it further enacted*, That the said Henry Stovall shall be allowed, in completing his payments hereafter falling due for said land, a credit for the amount paid by him for said land in any instalments heretofore paid over the amount he would have paid, if said land had been originally purchased at one dollar and twenty-five cents per acre, any law, usage or custom to the contrary notwithstanding. Credit allowed Henry Stovall.

Approved, January 16, 1834.

[No. 99.]

AN ACT

To incorporate for a limited time the Paint Rock river navigation Company.

WHEREAS, the persons residing in the vicinity of Paint Rock river in Jackson county, encounter many obstacles in getting their produce to market, and the health of their families endangered and their lands injured by the falling timber in said stream, and the accumulation of drift wood therein, causing the same to overflow, for remedy whereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Who shall
form the com-
pany.

Commission-
ers and their
duties.

Duty of com-
pany.

Penalty.

Exemption.

convened, That James Daniel, Jacob Gilleland, Archibald Woods, John Bridges, Samuel Rowan, John Brewer and Samuel McDavid, and their associates of said county, be formed into a company for the purpose of removing the obstructions to the navigation of said river, from the junction of Larkins' fork to the Madison county line, which company shall continue for the space of five years from the first day of January, 1834.

Sec. 2. *And be it further enacted*, That James Daniel, Jacob Gilleland, Archibald Woods, John Bridges, Samuel Rowan, John Brewer and Samuel McDavid, aforesaid, are appointed commissioners to superintend the said improvements, whose duty it shall be, as soon after the passage of this act as may be, to register the names of those persons who may apply to them for the purpose, not to exceed sixty-seven, and give them a certificate thereof, which shall entitle them to the privileges and subject them to the liabilities hereinafter named.

Sec. 3. *And be it further enacted*, That the persons, who shall have their names registered as aforesaid, shall compose a part of the company hereby incorporated, and shall be bound to labor for the space of five days at least during each year of the continuance of said company, in removing the obstructions aforesaid under the direction and superintendence of the aforesaid commissioners, at each time and at each place between the junction aforesaid and the Madison county line as they shall direct, under the penalty of one dollar for each and every day they shall fail to work after being duly notified, to be recovered by an action before any justice of the peace for said county in the name of the commissioners, which shall by them be appropriated to the improvement of the navigation of said stream, and all the persons so registering their names, and the commissioners aforesaid shall, during the continuance of said association, be exempt from working on any road during the continuance of their association, any law to the contrary notwithstanding.

Approved, January 16, 1834.

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AN ACT

[No 100.]

To divorce certain persons therein named.

Divorce of V.
F. Mongin &
E. Mongin.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of Montgomery county in chancery sitting, the bonds of matrimony, heretofore solemnized and subsisting between Victor F. Mongin and Elizabeth Mongin his wife, be dissolved; and that the said Victor F. Mongin be henceforth divorced from the said Elizabeth Mongin.

Sec. 2. *And be it further enacted*, That in conformity with the decree of the circuit court of Madison county, the bonds of

matrimony, heretofore solemnized and subsisting between Anna Sanders and William Sanders her husband, be dissolved, and that the said Anna Sanders be henceforth divorced from the said William Sanders. Of Anna and William Sanders.

Sec. 3. *And be it further enacted*, That in conformity with the decree of the circuit court of Marengo county, the bonds of matrimony, heretofore solemnized and subsisting between Martha Wright and Edwin Wright her husband, be dissolved; and that the said Martha Wright shall be henceforth divorced from the said Edwin Wright. Of Martha & Edwin Wright.

Sec. 4. *And be it further enacted*, That in conformity with the decree of the circuit court of the county of Tuscaloosa, the bonds of matrimony, heretofore solemnized and subsisting between Abraham Perkins and Diana Perkins his wife, be dissolved; and that the said Abraham Perkins shall be henceforth divorced from the said Diana Perkins. Of Abraham and Diana Perkins.

Sec. 5. *And be it further enacted*, That in conformity with the decree of the circuit court of Wilcox county, the bonds of matrimony, heretofore solemnized and subsisting between James Luke and Mary Luke his wife, be dissolved; and that the said James Luke shall be henceforth divorced from the said Mary Luke. Of James and Mary Luke.

Sec. 6. *And be it further enacted*, That in conformity with the decree of the circuit court of Madison county, the bonds of matrimony, heretofore solemnized and subsisting between Betsy Felton and John Felton her husband, be dissolved; and that the said Betsey Felton shall be henceforth divorced from the said John Felton. Of Betsy and John Felton.

Sec. 7. *And be it further enacted*, That in conformity with the decree of the circuit court of Baldwin county, the bonds of matrimony, heretofore solemnized, and subsisting between Elizabeth Singletory and Thomas T. Singletory her husband, be dissolved; and that the said Elizabeth Singletory shall be henceforth divorced from the said Thomas T. Singletory. Of Thomas T. and Elizabeth Singletory.

Sec. 8. *And be it further enacted*, That in conformity with the decree of the circuit court of Montgomery county, the bonds of matrimony, heretofore solemnized and subsisting between Amos Beck and Tempy Beck his wife, be dissolved and that the said Amos Beck shall be henceforth divorced from the said Tempy Beck. Of Amos and Tempy Beck.

Sec. 9. *And be it further enacted*, That in conformity with the decree of the circuit court of Wilcox county, the bonds of matrimony, heretofore solemnized and subsisting between Ann M. Brown and Morgan G. Brown her husband, be dissolved; and that the said Ann M. Brown shall be henceforth divorced from the said Morgan G. Brown. Of Ann M. and Morgan G. Brown.

Elizabeth A.
and Nathan
W. Battle.

Sec. 10. *And be it further enacted*, That in conformity with the decree of the circuit court of Dallas county, the bonds of matrimony, heretofore solemnized and subsisting between Elizabeth Ann Battle and Nathan W. Battle her husband, be dissolved; and that the said Elizabeth Ann Battle shall be henceforth divorced from the said Nathan W. Battle.

Laura & Wm.
Bell.

Sec. 11. *And be it further enacted*, That in conformity with the decree of the circuit court of Mobile county, Laura Bell shall be and she is henceforth divorced from the bed and board of William Bell her husband.

Susan and
Samuel Pool.

Sec. 12. *And be it further enacted*, That in conformity with the decree of the circuit court of Mobile county, Susan Pool shall be and she is hereby divorced from the bed and board of her husband Samuel Pool.

Approved, January 16, 1834.

[No. 101.]

AN ACT

For the relief of John Mangon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the license granted to John Mangon, by the county court of Greene county, shall be effectual and valid, and that the said John Mangon shall be entitled to keep a public ferry at Jones, Bluff on the Tombeckbe river, as authorized by his said license, any thing in the laws which prohibit a ferry from being established and kept within two miles of another ferry, to the contrary notwithstanding.

Approved, January 16, 1834.

[No. 102.]

AN ACT

To authorize Thomas Pugh, Clerk of the Circuit Court, and James G. Coleman, Clerk of the County Court, to keep their offices at the Town of Louisville in the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Pugh, clerk of the circuit court, and James G. Coleman clerk of the county court, be and they are hereby authorized to keep their offices at the town of Louisville in the county of Barbour, till after the first Monday in August next.

Approved, January 16, 1834.

[No. 103.]

AN ACT

To amend an act incorporating the town of Huntsville, passed January 9, 1828.

Election
Aldermen.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the election for aldermen in the town of Huntsville shall be holden on the third Monday in December in each year, the said election to be conducted in the same manner as is directed by the act.

which this is intended to amend; that two aldermen shall be elected by the qualified electors of said town for each ward, as the said wards are or may hereafter be laid off, who shall be residents of the wards in which they may be elected at the time of their election.

Sec. 2. *And be it further enacted*, That the aldermen elected, as authorized in the first section of this act, shall appoint their mayor, treasurer, constable and such other officers as they may deem proper and necessary; that they shall, in their corporate capacity, have power and authority to contract for any loan or loans they may deem necessary for the purpose of raising money to improve said town, and in effecting said loan or loans, shall have power to pledge the property and revenue of said corporation. Mayor, treasurer and constable.
Powers of corporation.

Sec. 3. *And be it further enacted*, That the said mayor and aldermen shall have power to levy such tax on property real and personal, within the limits of the corporation, or upon real estate in the immediate vicinity of the improvements hereby authorized, as the said mayor and aldermen may determine to be best, as will be sufficient to raise such sum as may be necessary to graduate and McAdamize the public square and streets of said town. Town tax.

Approved, January 16, 1834.

[No. 104.]

AN ACT

Better to regulate the Huntsville Guards.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the Huntsville guards shall not be liable to work on roads, or serve on juries. Exemption from certain duties.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening with the provisions of this act, be and the same are hereby repealed. Repeal.

Approved, January 16th, 1834.

[No. 105.]

AN ACT

To incorporate the Trustees of the Centreville Academy, in the county of Bibb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Crawford, Jacob Mayberry, Josiah Hindes, John Henry, Samuel W. Davidson, David R. Boyd, James W. Davis and their successors in office be and they are hereby created a body politic and corporate in deed and in law, by the name and style of the trustees of the Centreville academy, in which name they and their successors in office are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of law or equity in this State or elsewhere, to have and to use a common seal and to alter and change the same at pleasure. Incorporation

May hold property.

Sec. 2. *And be it further enacted*, That the said corporation shall have perpetual succession, and by their name and style aforesaid, shall be able and capable in law to receive donations, to purchase, have, hold, possess, enjoy and retain to itself, in perpetuity or for any term of years, any estate real, personal or mixed, of what nature or kind soever to any amount not exceeding twenty thousand dollars, and to sell, alien or dispose of the same as they may think proper.

Secretary & treasurer.

Sec. 3. *And be it further enacted*, That the aforesaid trustees and their successors in office shall have power to appoint a secretary and treasurer, and such other officers as they may consider expedient, to procure such number of instructors teachers and assistants, either male or female, as they may deem necessary, to prescribe the terms of admission and course of study to be observed in said institution, to make and enforce all such rules, regulations and bye laws for the good government of said institution and the preservation of the morals of the students as they may deem necessary and proper, and in general, to do all acts for the benefit of said institution which are incident to bodies corporate, and not inconsistent with the laws of the United States or of this State.

Teachers.

General powers of trustees

No peculiar religious tenets taught.

Sec. 4. *And be it further enacted*, That the said institution shall be purely literary and scientific, and the peculiar tenets of any denomination of christians shall never be taught or inculcated in said institution.

Funds how to be recovered and applied.

Sec. 5. *And be it further enacted*, That all the monies, which may have been subscribed by individuals for the erection of buildings of the Centreville academy, shall enure to and be recoverable by the trustees aforesaid in their corporate capacity, in the same manner as if such subscriptions had been originally made to them in that character, and the said trustees shall be held and liable for all the contracts which may have been made for the erection of said academy buildings by the commissioners which have heretofore been chosen for that purpose.

Vacancies how filled.

Sec. 6. *And be it further enacted*, That the trustees aforesaid and their successors in office shall have power to fill all vacancies which may occur in their board by vacancies, death, resignation or removal from the said county of Bibb: *Provided always*, that the general assembly shall have power at any time, to alter, amend or repeal this act, reserving to the said trustees or their successors in office, the right to sell, alien or dispose of any real or personal estate, they may have possess or own and to collect all debts that may be due them at the time of such repeal.

General Assembly may revive.

AN ACT

[No. 106.]

To quiet the claim to certain property in the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the right, title and interest, which the State of Alabama has, or may hereafter have to a certain lot of ground lying in the city of Mobile, and bounded on the east by Royal Street, on the south by Diego M'Boy, and on the north by George W. Owen, on the west by Lewis Judson, be and the same is hereby released and confirmed to George F. Salee: *Provided nevertheless,* that this act shall not be so construed as to effect the titles of any other person or persons whatsoever.

Approved, January 16, 1834.

AN ACT

[No. 107.]

For the relief of William Hester, Tax Collector of Franklin County.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That William Hester, tax collector of Franklin county, be allowed until the first day of March next, to make final settlement with the treasury of said county, any law to the contrary notwithstanding: *Provided,* the securities of said Hester, tax collector as aforesad, shall file their assent in writing, with the clerk of the county court of said county.

Approved, January 16, 1834.

AN ACT

No. 108.]

To incorporate the Town of Wetumpka.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of land laid off by order of the Limits, general government on both sides of the Coosa, at the Wetumpka falls, into lots, shall be called and known by the name of the town of Wetumpka.

Sec. 2. *And be it further enacted,* That on the second Monday in February next, or as soon thereafter as the citizens Election of comm'rs. of the east side of the Coosa river, at the falls and town aforesaid, may think proper, notice being given of the same, an election, by ballot, shall be held for five councillors, at some convenient place in said town on the east side of the river; and that all free white male persons of the age of twenty one years and upwards, who shall have resided therein for three months Qualified to ters. next preceeding such election, or who shall be a land or householder in said town on the east side as aforesaid, shall be entitled to vote for said councillors, and when the election shall be closed, and the councillors elected shall be qualified, they shall proceed to elect one of their body, intendant, whose duty it Election and duty of intendant. shall be to preside and preserve order at all meetings of the

council, and the persons so elected shall continue in office until their successors are duly qualified.

Managers of
election.

Sec. 3. *And be it further enacted*, That the first election shall be held and conducted by George Johnson, Ebenezer Pond, Thomas Hatchett and A. B. Northrop, or a majority of them, who shall give ten days notice of the time and place of holding said election, by advertising the same at three or more places in said town; and all future elections shall be managed by such persons not exceeding three in number as the intendant and council shall annually appoint, who shall give the like notice of the time and place of holding the same, and the intendant and council, respectively, shall, before entering on the duties of his or their office, take the following oath before some justice of the peace of Montgomery county; I do solemnly swear, or affirm as the case may be, that I will equally and impartially perform all the duties required of me by the act incorporating the town of Wetumpka, on the east side of the Coosa, so help me God.

Oath of intendant and councilors.

Incorporation with usual powers.

Sec. 4. *And be it further enacted*, That the intendant and council are hereby declared to be a body corporate, by the name of the town council of Wetumpka, and by that name they and their successors shall be capable of suing and being sued, plead and be impleaded, in all manner of suits, either in law or equity; and to have a common seal, and the same to alter at pleasure; and may purchase, have, hold, possess, receive, enjoy or retain in perpetuity, or for any term of years, any estate real or personal, not exceeding in value twenty thousand dollars, and may sell or lease the same.

How vacancies filled.

Sec. 5. *And be it further enacted*, That if the intendant die, resign, be removed from office or absent, the council shall fill such vacancy by an appointment *pro tempore* or otherwise, and vacancies in the council shall be filled by the intendant and remaining councilors, a majority of whom shall be a quorum to transact business.

Bye laws.

Sec. 6. *And be it further enacted*, That the council shall have power to pass all such orders, bye laws, and ordinances respecting the streets, markets, buildings, pleasure carriages, wagons, carts, drays, and police of said town, that shall be necessary for the security and welfare of the inhabitants thereof, and for preserving health, peace, order and good government, within the same, and to assess a tax on the inhabitants thereof, not exceeding one third part of the amount of the State tax, which is paid for property of the same kind; they shall have power to prevent and remove nuisances, to appoint patrols, and define their duties, to affix fines for offences against their bye laws, and ordinances, not exceeding fifty dollars for every of-

Town tax.

Patrol fines how recovered.

ence, to be recovered before the intendant or any member of the council, for the use and benefit of the town; to assess a tax on licences to retailers of spiritous and other liquors, and billiard tables kept for use in said town, not exceeding on the former ten dollars, and on the latter the sum of fifty dollars, in any one year; they may have power to appoint a clerk and treasurer, an assessor and collector of taxes, and constable for said town: to affix the salaries and fees of such officers respectively, and define their duties; to confine any person or persons for a time not exceeding six hours, who shall incur any penalty or forfeiture inflicted by any of the ordinances of said corporation, passed conformably to the powers vested in them by this act.

Tax on billiard tables and retailers of spirits.

Power of imprisonment.

Sec. 7. *And be it further enacted*, That the intendant, and each and every one of the council, shall be vested with all the powers and authorities that justices of the peace are vested with, by the laws of this State; and shall and may exercise the same within the limits of said town, on the east side of the river; but in matters of debt only when the town council shall be a party, subject, nevertheless, to an appeal to the circuit court of the county in which said town may be, as in cases of appeals from decisions of justices of the peace.

Powers of justices of peace

Sec. 8. *And be it further enacted*, That the intendant and council shall have no power to assess a tax on lands which shall not have been laid off and sold, or any property of the United States, or this State, or property belonging to any seminary of learning, church, or religious society, they shall have no power to tax the improvements on any lot for the term of three years, or to make any bye laws or ordinances repugnant to the laws of this State; and this act, and all the bye laws and ordinances shall be subject to revision or repeal by the general assembly.

What lands shall be exempt from taxation.

Sec. 9. *And be it further enacted*, That if the intendant or any member of the council shall be guilty of any malpractice in office, he shall forfeit and pay a sum not exceeding two hundred dollars, for every such wilful neglect or malpractice, to be recovered by any person suing for the same, in any court having cognizance thereof, and paid one half to the person suing for the same, and the other into the treasury of the county in which said town is situated.

Penalty for neglect of duty.

Sec. 10. *And be it further enacted*, That in case, at any time, the intendant and council should fail to hold elections under this charter, it may be the duty of the citizens residing on the east side of the Coosa, in said town, three in number or more, to advertise an election, for office, and a council, so elected, shall be deemed and held equally legal and valid, as if they were elected according to the foregoing provisions of this act.

On failure of election hold 2d election.

Approved, January 17, 1834.

[No. 109]

AN ACT

Supplemental to an act, passed the present session of the General Assembly, to incorporate the Moulton Rail Road Company.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the stockholders in the Moulton rail road company may have until the first Monday in March next to elect the board of directors and president of said company.

Approved, January 17, 1834.

[No. 110.]

AN ACT

To incorporate a Company of Artillery at Greensborough in the County of Greene.

Incorporation Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That such persons as may enroll themselves for the purpose of forming an artillery company at Greensborough, in the county of Greene, to consist of not less than thirty, nor more than one hundred, together with their successors, be and they are hereby made and declared to be a body politic and corporate, by the name and style of the light artillery guards, with the usual powers incident and common to bodies corporate:

Officers. the officers of said company shall consist of a captain, one lieutenant, and one ensign, at least, and if the said company think proper they may elect or appoint, at any time they may choose, a second lieutenant.

Uniform. Sec. 2. *And be it further enacted,* That it shall be the duty of said company, within twelve months from the passage of this act, to uniform themselves fully and completely, in some suitable and proper uniform, to be by them selected: and it shall be the duty of said company, and they are hereby required to muster at least six times a year; and each member of said

Duties. company, the officers excepted, shall under such rules and regulations as the said company may adopt, be compelled and required to perform patrol duty at least twenty four nights in each and every year.

Exemption. Sec. 3. *And be it further enacted,* That the said artillery company shall be wholly free and exempt from the order, control or direction of the colonel commandant of the regiment in which the said company or any member of it may be, and of all other officers of the militia of this State, except when called into actual service: and the captain of said company shall be compelled to return the strength of said company, annually, to the adjutant general of this State.

From road & jury duties. Sec. 4. *And be it further enacted,* That the members of said company shall be free and exempt from performing any other military duty than is required by this act, except when called into actual service; they are also hereby declared to be free and exempt from performing any road or street labor or duty, and

from serving on juries, and all fines and forfeitures, levied and collected by said company from any of its officers or member, under such constitution or bye laws as they may rightfully and properly adopt, shall belong exclusively to said company, to be by them appropriated at they may think proper.

Approved, January 17, 1834.

[No. 111.]

AN ACT

To incorporate the Trustees of the Alabama Institute of Literature and Industry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Albert C. Horton, Wylie J. Croom, Harris Tucker, Jacob Lawler, Edmond King, David Buck, John Saunders, Robert S. Foster, Holley W. Middleton, James L. Gore, William Ford, S. J. Larking and John Brown, (red) be and they are hereby created a body politic and corporate indeed and in law, by the name of the trustees of the Alabama Incorporation
institute of literature and industry, and by that name they and their successors shall have perpetual succession, and be able and capable in law to have, receive and enjoy, to them and their successors, lands, tenements and hereditaments, of any kind in fee, or for life, or for years, and personal property of any kind whatsoever, and also all sums of money which may be granted or bequeathed to them for the purpose of promoting the interests of said institution: *Provided*, that the said institution shall never have an estate real or personal, to exceed two hundred thousand dollars at any one time. Style.

Sec. 2. *And be it further enacted*, That the trustees of the said institution shall and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same, from time to time as they shall think proper, and by their aforesaid name, they and their successors shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity within this State, and to grant, bargain, sell or assign, any lands, tenements, goods or chattels, in such manner as they or a majority of them may deem most expedient for the interests of the said institution, and to act, and to do all things whatsoever for the benefit of the same, in as ample a manner as any person, or body politic, or corporate can or may do by law. May have a common seal.

Sec. 3. *And be it further enacted*, That no misnomer of the Alabama institute of literature and industry shall defeat or annul any gift, grant, devise or bequest, to the same, provided the true intent of the parties shall sufficiently appear upon the face of the gift, grant, wills or other writing whereby any estate or interest was intended to pass to the said institution, nor shall any misuser or nonuser of the rights, liberties, privi- Misnomer not to defeat any gift, &c.

leges, jurisdiction and authorities, hereby granted to the said Alabama institute of literature and industry, create or cause a forfeiture thereof.

Trustees to elect president Sec. 4. *And be it further enacted,* That the said trustees shall at their first meeting elect from their own body a president, who, together with the said trustees shall hold their offices for two years, and until their successors shall be elected and qualified.

Powers. Sec. 5. *And be it further enacted,* That the trustees shall have power to make all such ordinances and bye laws for the good government of the said institution as they may deem necessary and expedient, and they shall have full power, by the principal or professors of the said Alabama institute of literature and industry, to grant or confer such degree or degrees in the arts or sciences to any of the students of the said Alabama institute of literature and industry, by them thought worthy, as are usually granted or conferred in any other institution of learning in the United States.

May confer degrees. Sec. 6. *And be it further enacted,* That the first election for trustees shall be held by the patrons of the said institution at their annual meeting, in the year of our Lord one thousand eight hundred and thirty five, and in like manner they shall hold an election every two years thereafter for trustees as aforesaid: *Provided nevertheless,* should a vacancy occur subsequent to an election, it shall be filled by the remaining trustees.

Shall hold elections every two years. Sec. 7. *And be it further enacted,* That the first meeting of the board of trustees shall be held on the _____ day of 1834, and all subsequent meetings shall be on their own adjournment: *Provided* that the president and two trustees shall always have power to call a meeting of the board.

When first meeting held.

Approved, January 17, 1834.

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[No. 112.]

AN ACT

To incorporate a company to build a Toll Bridge across the Coosa river, at Wetumpka.

Capital stock. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That a stock company shall be established, in the town of Wetumpka, for the purpose of building a toll bridge across the Coosa river, in said town, above the present boat landing, or at such point between said landing and Greene and Houghton's mill, as may be selected by the stockholders of said company. The capital stock of which company shall not exceed forty thousand dollars, divided into shares of one hundred dollars each: *Provided,* that said bridge be placed at the lower end of the falls of Wetumpka, or the nearest good situation which can be found above, so that it be not placed above said

Sec. 2. *And be it further enacted,* That subscriptions towards constituting said stock company shall be opened in the town of Wetumpka, and at such other place as they may think proper, on the first Monday in March next, under the superintendence of James G. Lyle, Isaac P. Pond, Benjamin Fitzpatrick, A. B. Northrop, Francis Gray, George Taylor, J. W. Loftin, Thomas E. Clarke, G. W. Brown, Charles Cromlin, J. A. Green, J. L. Bradford or a majority of them, and remain open at least two days at every time and place of opening said books, or until a sufficient amount in their opinions shall be subscribed for the erection of said bridge; ten dollars to be paid on each share when the work shall be commenced, and the residue thereof, in instalments of five or ten dollars, as the work progresses, by a call of the president and directors of said company.

Commissioners to take subscriptions.

Sec. 3. *And be it further enacted,* That the subscribers to the said stock company, their successors and assigns shall be and they are hereby created a body corporate and politic, by the name and style of the president and directors of the Wetumpka bridge company, and by that name and style, shall be and are hereby made able and capable in law to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended in any suit, action, matter or thing depending in any court of law or equity, and also to make and use a common seal and the same to break, alter or renew at their pleasure, and also, to ordain, establish and put in force such bye laws, ordinances and regulations as they may deem necessary for the government of said company: *Provided,* that said bridge company shall not exercise any banking privileges.

Incorporation and power of company.

Sec. 4. *And be it further enacted,* That for the management of said company, the stockholders shall, annually, on the first Monday in January, in each and every year, elect seven directors, to be chosen by the qualified stockholders, and by a plurality of votes, then and there giving one vote for every share of one hundred dollars, and the said directors, so duly elected, shall be capable of serving by virtue of said choice, until the next annual election, and the board of directors, annually, at their first meeting after their election, shall proceed to elect one of their number to be the president of said corporation, who shall hold his office one year, or until his successor shall be elected: *Provided,* the board shall have power to fill all vacancies occasioned by the death, resignation or otherwise from said company of stockholders.

Annual elections.

President.

Sec. 5. *And be it further enacted,* That as soon as a sufficient sum is subscribed, notice thereof shall be given in one or more newspapers printed in this State, and they shall, at the

Notice of election.

same time, appoint a time and place for holding the first election, and shall hold the same by giving at least ten days notice thereof.

Call meeting. Sec. 6. *And be it further enacted,* That it shall be lawful for the directors to call a general meeting of the stockholders of said company, at any time they may deem necessary and expedient, and a number of stockholders, owning at least one third of the stock, shall have power, at any time, to call a general meeting, giving at least one month's notice of the same in a newspaper, stating the object of said meeting.

Property vested in corporation. Sec. 7. *And be it further enacted,* That the property of said bridge, when built, shall be and the same is hereby vested in said corporation for fifty years, and shall and may demand and receive, on the completion of the said bridge, the following rates of toll, viz: for each four wheeled pleasure carriage, seventy-five cents; for each four wheeled road wagon, seventy-five cents; for each two wheeled pleasure carriage, thirty-seven and a half cents; for each jersey wagon or carryall, thirty-seven and a half cents; for each cart, twenty-five cents; for each horse and rider, twelve and a half cents; for each horse, mule or foot passenger, six and a fourth cents; for each head of neat cattle, three cents; for each head of goats or hogs, two cents.

Liabilities of corporation. Sec. 8. *And be it further enacted,* That it shall be the duty of said corporation to keep said bridge in good repair (when completed) as long as they may think proper to receive toll, they shall be held bound for all injuries which may be sustained by any person passing said bridge: *Provided,* said injury result from negligence of the keeper, or for want of proper repairs to said bridge.

Not to obstruct navigation. Sec. 9. *And be it further enacted,* That said bridge shall be so constructed, that it will in no wise obstruct or prevent the navigation of said river.

How road to be laid out to and from said bridge, &c. Sec. 10. *And be it further enacted,* That it shall be the duty of the superintendents, named in this act, to review and lay out a road leading to and from said bridge, and report the same to the county courts of such counties as said road may pass through, and it shall be the duty of said county courts to appoint a jury of seven men to assess the damages done to the lands which such roads may pass over, if any shall be claimed by the owners thereof, and said road shall be of the first grade until it intersects other roads.

Commrs to inspect state of bridge. Sec. 11. *And be it further enacted,* That the county court of Autauga county shall be and is hereby authorized whenever it may, in the opinion of the judge thereof be deemed necessary, to appoint suitable commissioners to inspect the situa-

tion of said bridge, and if a majority of them shall report that said bridge is not in good order and fit for passengers, the court shall have power to suspend the collection of toll until said bridge shall be put in good repair.

Sec. 12. *And be it further enacted*, That if said bridge shall not be commenced in one year from and after the passage of this act, and be completed within three years thereafter, all the privileges and immunities, granted by this act shall be null and void. When bridge to be commenced and when finished

Sec. 13. *And be it further enacted*, That no one person, by himself or proxy, shall directly or indirectly subscribe for more stock than two thousand dollars, until the books shall have been opened one month, after which time any person may take any amount of stock which he, she or they may think proper, and in the management of the affairs of the company, each person shall, in person or by proxy, have one vote for each share of stock, so that he shall not have more than one hundred votes. How stock shall be subscribed. Votes.

Approved, January 17, 1834.

[No. 113.]

AN ACT

To authorize a Lottery for the improvement of the Public Square in the town of Florence, in the county of Lauderdale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for James Kirkman, James H. Weakley, Adam D. Hunt, Robert M. Patton, P. F. Pearson, John Simpson and James Jackson, or a majority of them to raise by lottery in one or more classes, as to them may seem most convenient, any sum not exceeding ten thousand dollars, to be appropriated in levelling, McAdamizing and otherwise improving the public square and streets of the town of Florence in the county of Lauderdale. Managers.

Sec. 2. *And be it further enacted*, That the said James Kirkman, James H. Weakley, Adam D. Hunt, Robert M. Patton, P. F. Pearson, John Simpson and James Jackson, or as many of them as may serve as managers, shall, before they enter upon the duties assigned to them by this act, enter into bond with sufficient security in the penal sum of double the amount which they may propose to raise by said lottery before the judge of the county court of Lauderdale county, conditioned for the faithful discharge thereof; which bond may from time to time be put in suit in the name of the said judge, by any person injured by a breach of the provisions of this act. Managers to give bond.

Sec. 3. *And be it further enacted*, That it shall be the duty of the aforesaid persons, or as many of them as may choose to act as managers within ninety days after the completion of any or either of the classes of said lottery, to pay to the drawers Prizes how paid.

Limitation.

therein or to their heirs or assigns such prize or prizes as may be due upon the scheme upon which they may have determined upon and published: *Provided*, that if any drawn prize be not demanded by the holder of the ticket to which such prize is due, or by the heirs or assigns of such persons, within twelve months after the completion of the drawing, the same shall be deemed and taken as a donation towards the improvement contemplated by this act, and the managers shall not be compelled thereafter to pay the same.

Where and how drawn.

Sec. 4. *And be it further enacted*, That the drawing of the said lottery may be in the town of Florence, or any other place that may be agreed upon by the said managers, giving due notice of such place and of the time of drawing, which shall be conducted in such manner and under such regulations and responsibilities as the aforesaid managers may deem most expedient: *Provided*, each clerk or other person concerned in the drawing shall previously take an oath, before some justice of the peace of the said county faithfully to discharge his duty.

Oath of persons concerned in drawing

If not drawn in one year, money paid on tickets recoverable.

Sec. 5. *And be it further enacted*, That if either of said classes be not drawn within one year as the scheme shall have been published and the day thereof appointed, the same shall cease and the purchasers of tickets may demand and recover, of the managers or persons before named, any money disbursed for tickets in said lottery.

Board of improvement.

Sec. 6. *And be it further enacted*, That the mayor and aldermen of the town of Florence be, and they are hereby constituted and appointed a board of improvement and the said board shall or may divide the said public square and streets into such sections as they may think proper, and let them out to the lowest bidder after due notice, each section to be levelled, McAdamized or improved in such manner as they may think proper.

Approved, January 17, 1834.

[No. 114.]

AN ACT

To incorporate the Tuscumbia Rail Road Insurance Company.

Capital.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an insurance company shall be established in Tuscumbia, with a capital of five hundred thousand dollars, divided into five thousand shares of an hundred dollars each share, to be subscribed for and paid by individuals, companies, and corporations in the manner hereinafter specified.

Commissioners to receive subscriptions.

Sec. 2. *And be it further enacted*, That the subscribers for the five thousand shares shall be opened at Tuscumbia at any time prior to the first day of October next, under the superintendence of Messrs. Micajah Tarver, C. T. Barton, Thomas Keenan, Thomas Limerick, John L. M'Rae, John T. Aber-

nathy, John Kennedy, P. H. Prout and A. S. Christian, who are hereby appointed commissioners, and shall continue open until the whole of said number of the shares shall have been subscribed: *Provided*, that the books shall be kept open for ten days and should the amount subscribed for be one hundred thousand dollars, or more, if it should not amount to more than five hundred thousand dollars, and said commissioners are at liberty at any time to open books for subscription until they obtain the amount of five hundred thousand dollars, but may commence business as soon as they obtain subscription to the amount of one hundred thousand dollars.

Sec. 3. *And be it further enacted*, That the subscribers to the said company, shall pay at the time of subscribing five dollars in cash, on each share, and give their notes indorsed to the satisfaction of the commissioners, for five or ten dollars on each share payable at any time within six months, payable as the commissioners may direct, and the balance due shall be paid in such manner as the president and directors of said company hereinafter mentioned shall direct: *Provided*, that the payments thereof shall be made by instalments at such periods as shall be agreed upon by the president and directors; and any such subscriber or stockholder, who shall neglect to pay any instalment as ordered or may be ordered by the board of directors, shall forfeit to the corporation all previous payments, and cease to be a stockholder in said corporation.

Instalments
how made.

Sec. 4. *And be it further enacted*, That the subscribers to the said insurance company, their successors and assigns, shall be and they are hereby created a corporation and body politic, by the name of the Tuscumbia rail road insurance company, and so shall continue until the first day of January, 1860, and by that name shall be and they are hereby made capable to buy, receive and possess moveable, and immovable property, and to sell, alien, demise and dispose of the same, and to sue and be sued, plead and be impleaded, answer and be answered, and to have a common seal, and the same to alter and renew at pleasure.

Incorporation

Sec. 5. *And be it further enacted*, That for the management of the affairs of said corporation, there shall be at least eight directors, and there may be twelve at the discretion of the stockholders thereof, who shall be annually elected at the office of said company, by the stockholders, and as soon as one thousand shares shall be subscribed for, the commissioners shall give public notice thereof in any paper that may be published in Tuscumbia, and by said notice appoint the day and place for the stockholders to meet and elect eight, or any number not more than twelve directors, the directors, so elected shall con-

Election of di-
rectors.

President.

stitute the board of directors, and shall elect one of themselves to be president of said company; and the said president and directors shall be capable of serving by virtue of such election, until other directors shall be elected, which shall be annually agreeably to their bye laws.

When elec-
tion to be held

Sec. 6. *And be it further enacted*, That the annual election for directors shall, after the first election, be held at the office of the said company, on the first Monday in June in each and every year, and the directors then elected, shall be capable of serving by virtue of such election, until the first Monday in June, in the ensuing year, and until other directors shall be elected: and the board of directors shall annually at their first meeting elect one of their members to be president of said corporation, who shall hold the office for the same period for which the directors are elected: *Provided always*, that in case it shall at any time happen, that an election of directors, or of president should not be made so as not to take effect, in any day when in pursuance of this act, it ought to take effect, the said corporation shall not for that reason be deemed to be dissolved, but it shall be lawful at any time to make such election, and the manner of holding the election shall be regulated by the bye laws of the corporation: *And provided also*, that in case of a vacancy arising from death, resignation, non residence, or any other cause, of a director or the president, the vacancy shall be supplied by the board of directors.

Vacancies
how filled.

Clerks and o-
ther officers
how appoint-
ed.

Sec. 7. *And be it further enacted*, That the directors, for the time being, shall have the power to appoint such officers, clerks and servants, under them as shall be necessary for executing the business of said corporation, and to allow them such compensation for their services as shall be reasonable, and to ordain and establish such rules, bye laws, and regulations as they may, or shall deem necessary and convenient for the government of said corporation, not being contrary to this act, nor to the constitution and laws of the United States, or this State.

Powers of the
corporation.

Sec. 8. *And be it further enacted*, That the said insurance company shall have full power and authority to make such insurance upon steam boats, and other vessels, and upon freights goods, wares and merchandize, and gold or silver, bullion or money, against all maritime risk or risks of the river, on such as are usually insured, and upon houses, stores and other buildings, and goods, wares and merchandise, furniture and other articles against fire, and to fix premiums.

Powers of the
Board.

Sec. 9. *And be it further enacted*, That the president with one director, or three directors in the absence of the president, shall have full power and authority, in the name of said

corporation, to insure upon all the articles, goods and effects, wares and merchandize, produced, property, and against all such articles as are mentioned and enumerated in the preceding section, and the said president, with the consent of one director, shall have a right to receive for the amount of premiums, such notes endorsed and payable at such time as he may deem satisfactory, and in conformity with the regulations to be made on the subject.

Sec. 10. *And be it further enacted*, That the following rules, restrictions, limitations and provisions shall form the fundamental articles of the constitution of said corporation. Articles of said corporation.

Article 1. That a list, containing the names of stockholders and shewing the number of shares held by them respectively, shall always be kept in the office of the company, for the inspection of any person that may wish to examine it.

Art. 2. Each and every stockholder shall be entitled to one vote for each and every share which he, she, or they, may respectively hold; that no individual or company shall be allowed more votes than twenty. In all elections for directors, votes may be given either in person or by proxy, and no person shall, after the first election, vote on any share transferred to him within ninety days before said election.

Art. 3. No person shall be capable of being elected a director of said insurance company, who is not a citizen of the United States residing in Tuscumbia, or the county of Franklin, and does not hold, in his own name or the commercial house of which he may be a partner, at least five shares of the stock of said company.

Art. 4. All policies of insurance made by said company, shall be signed by the president or two directors, and countersigned by the secretary; and shall have the same effect as if made under the seal of the company.

Art. 5. Notice of the time, when any further payments will be required from the stockholders, shall be given by order of the directors of said company, which notice shall be published at least thirty days in the paper published in Tuscumbia.

Art. 6. Every stockholder may at any time pay, in cash to the said president and directors, the full amount of his subscription; and the person, so paying, shall be entitled to receive from the said company, interest upon the amount so paid in cash, above the amount received by the directors as aforesaid, at the rate of eight per cent per annum.

Art. 7. Half yearly dividends shall be made of so much of the profits of said company, as shall appear to the directors advisable: but the monies received, and the notes taken for premium or risks, which risks shall not be considered as forming

part of the profit of said company, and in case of any loss or losses, whereby the capital stock of said company should be lessened, no subsequent dividend shall be made until such diminution shall have been covered by the profits.

Art. 8. The stockholders shall not be liable for losses beyond the amount of their respective shares.

Art. 9. The said company may dispose of mortgages given them by way of security, or of stock, pledged for security, or property conveyed to them in satisfaction of debts previously contracted, or purchased at public sale upon judgments or orders of seizure by them obtained, or of any property immovable or movable, which may have been abandoned to them, for or concerning the operations of their business or immovable property, for the accommodation of the company in the transaction of their business, and whenever it shall be proved to the satisfaction of a competent court in this State that the said company have entered into any kind of trade or traffic, contrary to the true interest and meaning of the present article, the said corporation shall no longer be entitled to the benefit of their charter.

Art. 10. The company shall be authorized to invest their money, capital, and all surplus funds not divided, in the stock of any company incorporated in the State, or in any other securities that the president and directors may think proper, whenever they may deem it necessary for the interest of the institution: *Provided*, nothing herein contained shall be so construed as to authorize the company to do banking business.

Art. 11. Once in every three years the president and directors shall lay before the stockholders at a general meeting for their information, a statement of the affairs of the company.

Art. 12. And be it further enacted, That the said insurance company shall not proceed to effect any insurance until the whole amount of stock is paid in money, or such amount thereof as is not paid in money, which shall be secured by mortgage or otherwise, on unincumbered real estate, or other property, to the satisfaction of the president and directors, at not more than two thirds of its real value, which may be renewed from time to time, as the property may increase or diminish in value, and the president and directors shall be judges of the increase or diminution in value, and call on the individual for a renewal of their obligations at any time they may think proper; and a failure to renew their obligations will prevent such persons from drawing any dividend until they renew their obligations; the president and directors shall take all such obligations, and if they should think proper, may have them recorded at the expense of the company.

Approved, January 17, 1834.

[No. 115.]

AN ACT

To incorporate the Erie and Greensborough Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas H. Herndon, as president, and

President and
Directors ap-
pointed.

William Murphy, William J. Vandegriff, Simon Ashford, Francis L. Constantine, Thomas Williams, James Dorroh, Alexander McAlpin, Daniel W. Edgerly, Osman A. Wynn, Caleb Eubanks and Martin McGill, as directors, with their associates and successors under this act, be and they are hereby made and created a body politic and corporate in deed and in law by the name and style of the Erie and Greensborough rail road company, by and in which name they and their successors in office are hereby empowered and made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in any court of law or equity in this State or elsewhere, as natural persons are or may be, of taking, receiving and holding any real or personal estate of what nature or kind soever, and of selling, leasing, alienating, conveying and disposing of the same, of having and using a common seal, and of changing or altering it at pleasure, of adopting and passing all such regulations, bye laws and ordinances for the proper and necessary government and direction of said corporation, as to them shall seem expedient, and generally of exercising and performing all such powers, privileges and acts, as are usually incident to bodies politic and corporate, and such as are necessary to carry into full and complete effect the object of this act: *Provided nevertheless,* that the real and personal estate, at any time owned or of which they may be seized or possessed, shall never exceed the sum of two hundred thousand dollars.

Powers of the
corporation.

Shall have u-
sual powers of
bodies corpo-
rate.

Proviso.

Sec. 2. *And be it further enacted,* That the president and directors, hereby appointed, shall continue in office until the first Monday in May next, and until their successors in office shall be duly elected and qualified and not longer, and they shall cause books to be opened for the subscription of stock at Erie and Greensborough, and such other places as they may think proper on giving at least ten days previous notice of the opening of said books, at the several places at which they are or may be directed to be opened, by advertising the same in the Greene county Sentinel, and at two or more public places in the town of Erie, and said books when opened shall be kept open for two weeks at least, and may afterwards, as the president and directors may order and direct, be opened from time to time until a sufficient amount of stock shall be subscribed and the stock taken and subscribed for shall be taken and subscribed for in shares of one hundred dollars each.

President and
Directors how
long to hold
their offices.

Stockholders
to meet in E-
rie on the 1st
Monday in
May next.

To elect Pres-
ident and Di-
rectors.

Annual elec-
tions to be
held at Erie.

Oath of Presi-
dent and Di-
rectors.

Stock trans-
ferable.

President and
directors may
borrow mo-
ney.

May appoint
subordinate
officers.

Sec. 3. *And be it further enacted*, That such persons, as may subscribe for stock or become stockholders in said company, shall meet at Erie on the first Monday in May next and under the superintendence and management of the president and any two of the directors hereby appointed, proceed to elect a president and eight directors, all of whom shall be stockholders in said company, who shall continue in office until the first day of May next thereafter, and until their successors in office are duly elected and qualified; and there shall annually be held at the town of Erie on the first Monday of May in each and every succeeding year an election by the stockholders of said company for a president and eight directors of said company, who shall in like manner continue to hold their offices until their successors in office shall be, at the said regular annual election, chosen and qualified; and the president and directors, elected at each and every election before entering on the discharge of their respective duties, shall take and subscribe before some justice of the peace an oath faithfully to perform their duties as such president and directors according to the powers and provisions of this act; at the first and every succeeding election for president and directors of said company under this act, the stockholders may vote either in person or by proxy and shall be entitled to one vote for every share owned by such stockholders severally and respectively: *Provided*, that no one stockholder shall be entitled to more than fifty votes; the stock hereby authorized to be subscribed, shall be transferable and assignable in such manner as the president and directors may order and direct; all transfers of stock before they are valid and effectual shall be entered on the books of said company and the assignee or transferee of said stock when made shall be entitled to all the benefits and subject to all the liabilities of an original stockholder.

Sec. 4. *And be it further enacted*, That the president and directors of said company, when they shall have organized agreeable to the third section of this act, shall be vested with full power and authority to borrow money, contract debts and be contracted with on the credit and faith of said company and the stock thereof, and the personal and real property and estate belonging to the said company; to mortgage or pledge a personal or real estate for the payment of any debt necessary to be contracted for the repayment of any money they may want to borrow; they shall have full power and authority to appoint all such subordinate officers, agents and servants as they may deem necessary, and give them such compensation as they may deem just and reasonable; they shall have full power and authority to require such instalment on said stock to be paid

on the shares of the stock of said company, and at such times as they deem best for the interest and advantage of said company, and a failure of any stockholder to pay the amount at any time due or required to be paid upon his, her or their stock in pursuance of any order, call or request of the president and directors as aforesaid within sixty days after the time appointed for the payment of the same, the president and directors shall be authorized and empowered to sell said stock at public auction for what it will bring, on giving ten days public notice of the time and place of sale by advertisement to be set up at one public place in the town of Erie and Greensborough, and the said stockholder or stockholders, whose stock shall be so sold, shall be liable to the said president and directors for whatever difference there may be between the price or sum for which the same may be sold and its par value, and the said stock of said company shall be considered private property.

Stockholder to be liable for deficit.

Stock to be considered private property

Sec. 5. *And be it further enacted,* That the president and directors of said company shall commence the said road which they are hereby expressly authorized and empowered to lay out and establish at the town of Erie in the county of Greene, and run the same the nearest and best route (not interfering with or injuring either of the public roads now laid out and established between the towns of Erie and Greensborough without the order and consent of the court of commissioners of roads and revenue of Greene county) to the town of Greensborough in said county, and they are hereby authorized and empowered to contract for and receive conveyances of any land, stone, timber or gravel, &c., which may be required in the making and constructing of said road, and when the president and directors and the owner of any such land, stone, timber or gravel, &c., cannot agree as to the price, or when the owner is an infant, feme covert, non resident or *non compos mentis*, then it shall be lawful for the said president and directors to apply to the judge of the county court of Greene county whose duty it shall be to issue an order countersigned by the clerk of said court directed to the sheriff of said county, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the price or damages to which the owner may be entitled under the same rules and regulations as is prescribed by law in the laying out of county roads, and the said jury shall forthwith assess the value of the said land, stone, timber or gravel, &c., subject to the right of appeal to the circuit court of Greene county by either party who may think themselves aggrieved, which appeal shall be tried *de novo* as in cases of appeals from a justice of the peace and the judge.

President and Directors to lay out said road the best and nearest route.

How land &c. shall be valued and condemned.

Party aggrieved may appeal to circuit court.

Proceedings
to be entered
of record.

Appeal not
to delay the
work.

Company
may let the
road by con-
tract.

When work
to be com-
menced.

ment of said court shall be deemed and held final and conclusive; and the finding of said jury, except in cases of appeal, shall be returned to the office of the clerk of the county court of said county, and at the next term of the court of commissioners of roads and revenue of said county the said finding shall be affirmed and made final, and the land, stone, timber, gravel &c., contracted for and purchased or so condemned, shall enure to and become the estate, right and property of said company, and the whole proceedings shall be entered of record in said court at the cost of said company; and when an appeal shall be taken by either party as aforesaid to the said circuit court after the same is finally determined, the said company at their own proper expense shall procure and cause to be made out a complete transcript of the record of the same by the clerk of said court, certified by said clerk under the seal of said court, and file the same in the office of the clerk of the county court of said county; and the court of commissioners of said county at the next term of their said court shall cause and order the same to be entered of record in said court, which shall have the same force and effect as if there had been no appeal and the finding of the jury had been returned and affirmed by said court as aforesaid: *Provided nevertheless*, that the said work, on the making and constructing of said road, shall in no wise be delayed on account of any proceedings had as aforesaid, but the said president and directors, on tendering the sum to which the land, stone, timber or gravel &c., shall have been valued to the owner or depositing the same in the office of the clerk of the county court, shall be authorized to proceed with said work as though no appeal had been taken, and when no greater damages shall be assessed on the trial of such appeal than was assessed by the jury on the inquest below, the owner of such land, timber, gravel &c., if he, she or they took such appeal, shall pay the cost.

Sec. 6. *And be it further enacted*, That the president and directors of said company, after having the tract or route such rail road is to run, surveyed, selected and established, may proceed to let the same to contract in such parts or sections as they may deem proper, and upon such terms and conditions as they may prescribe, beginning at the town of Erie and extending on to Greensborough: *Provided*, they shall give sixty days notice of the time and place of letting the same to contract, by publishing the same in some public newspaper of this State, and by advertisement set up at some one public place in the towns of Erie and Greensborough; and the said president and directors of said company shall commence the said rail road in twelve months from the first day of May next; and complete the same in three years from that time or forfeit all the benefit of this act.

Sec. 7. *And be it further enacted,* That the president and directors shall have power to call a meeting of the stockholders of said company at any time on giving ten days notice by advertisement set up at one or more public places in the towns of Erie and Greensborough; a majority of said stockholders in value, either in person or by proxy, shall be sufficient to form a quorum and they shall have full power, when met, to remove the president or any director and appoint others in their stead, and whenever any vacancy shall occur in the office of president or any director except by removal as aforesaid, the remainder in office of president and directors or of directors shall proceed and fill such vacancy, and the person appointed or elected to fill the same shall continue in office until the next annual election, and the said president and directors shall have power to remove at pleasure any subordinate officer, agent or servant belonging to said company.

President and directors may call meeting of stockholders.

Sec. 8. *And be it further enacted,* That the said president and directors shall not, in the construction and making of said rail road, in any manner obstruct any public highway or road crossing the same but shall provide suitable and convenient ways by which they shall pass over said rail road.

Shall not obstruct any highway.

Sec. 9. *And be it further enacted,* That it shall be the duty of the president and directors of said company to report to the annual meeting of the stockholders a clear and distinct exhibit and statement of all the affairs and proceedings of said company, including the receipts and disbursements of the preceding year, and after the said rail road shall have been completed the president and directors shall annually declare and pay over to the stockholders such nett profits or dividends as shall have been made or accrued the preceding year.

Shall make annual report to meeting of stockholders.

Sec. 10. *And be it further enacted,* That the said rail road with all works, improvements and machinery of transportation used on said road, with all the estate, property, right, privileges, advantages and immunities belonging and appertaining thereto, and acquired under and in pursuance of this act, as hereby granted and conferred, are hereby declared to belong to and are vested in said company forever: *Provided nevertheless,* that the State of Alabama shall have the right and privilege at the end of thirty years and every ten years thereafter to purchase the whole of the stock of said company at its then par value, with all the property, estate, cars, machinery, engines, &c. &c., belonging to or owned by said company: *And provided also,* that the general assembly shall at any time, three fourths of both houses concurring, have power to alter or amend this act.

Vesting road &c. in corporation.

Proviso.

Sec. 11. *And be it further enacted,* That the president

President and

directors shall
have power to
collect toll.

Proviso.

and directors, after the completing of said road or any part thereof, shall have full power and authority to lay and collect toll from all persons, and upon all property, merchandize, goods, cotton or other commodity or produce, transported thereon: *Provided* the toll shall never exceed twenty-five per cent per annum upon the amount or sum actually vested in said road, with its appurtenances, appendages and incidents, and the company hereby incorporated shall never have or exercise banking privileges.

Approved, January 17, 1834.

[No. 116.]

AN ACT

To authorize the Judge of the County Court and Commissioners of Roads and Revenue of the county of Madison to settle with the legal representatives of Robert A. Bell, deceased.

Compensa-
tion for ser-
vices of Ro-
bert A. Bell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue, for the county of Madison, be and they are hereby authorized to make such allowance to the securities of Robert A. Bell, late assessor and tax collector for Madison county for the year 1833, out of any moneys that had been collected by the decedent as to them may seem proper, having reference to the quantum of labor performed by said Bell, in assessing and collecting the taxes.

Report.

Sec. 2. *And be it further enacted,* That after said allowance is made, the said judge and commissioners are hereby required to report the same to the comptroller of public accounts.

Approved, January 17, 1834.

[No. 117.]

AN ACT

Providing additional compensation for the Judge of the County Court of Baldwin County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the judge of the county court of Baldwin county may demand, have and receive, for all and every kind of services officially rendered and performed by him, an additional compensation of one-third over and above the amount now allowed by law.

Approved, January 17, 1834.

[No. 118.]

AN ACT

To provide for the payment of certain expenses therein named:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several witnesses, who were summoned to attend the investigation of the official conduct of John H. Jones at the present session of the general assembly, shall be authorized and entitled to receive mileage at the rate of six cents per

Compensa-
tion of wit-
nesses, &c. in
the trial of J.
H. Jones.

mile, for each and every mile he or they may have travelled in going to Tuscaloosa in pursuance to the summons served on him or them and for returning home, together with a per diem allowance of two dollars to be computed from the time at which he or they may have arrived at the seat of government to the time to which they were discharged by the committee of this house, and that the messenger, appointed by this house to summons witnesses, be allowed mileage at the rate of six cents per mile for each and every mile he may have travelled in executing the precepts of the committee, together with a per diem pay of four dollars for each and every day he was employed by the committee, which said sums of money shall be paid on the certificate of the chairman of said committee out of any moneys in the treasury not otherwise appropriated.

Compensa-
tion of mes-
senger.

Approved, January 17, 1834.

[No. 119.]

AN ACT

To make that part of Byler's Turnpike Road in the County of Tuscaloosa a County Road

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that part of Byler's turnpike road, within the county of Tuscaloosa, be and the same is hereby made a county road, and shall be kept in repair as other county roads in said county, any law to the contrary notwithstanding.

Approved, January 17, 1834.

[No. 120.]

AN ACT

The more effectually to secure the collection of rents in the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any landlord, his agent or attorney shall make complaint on oath to any justice of the peace in the city of Mobile, that any person or persons is indebted to him for the rent of any tenement within the corporate limits of the said city, and shall enter into bond and security in four times the amount of the rent alledged to be due, conditioned to pay the said defendant all costs and damages he may recover for the wrongful or vexatious suing out of the warrant herein after mentioned, it shall be lawful for the said justice of the peace to issue his warrant, returnable before him not less than four nor more than ten days from the time the warrant shall be issued, directed to any constable of the said city requiring him to seize and to take into his possession, any goods and chattels which may be found in the tenement for which the rent shall be due, and the constable shall keep the goods and chattels so seized to answer the judgment which may be rendered by the justice of the peace in the cause, unless the debt shall be sooner paid with

Landlord to
make oath &
enter into
bond.

Warrant and
proceedings
thereon.

all costs, and the justice of the peace on the return of said warrant shall proceed and render judgment according to the merits of the case.

If exceeding
\$50, warrant
to sheriff and
proceedings
thereon.

Sec. 2. *And be it further enacted*, That whenever the sum, sworn to be due, shall exceed the sum of fifty dollars, it shall be the duty of the justice of the peace to direct the same to the sheriff of the county of Mobile, and make the same returnable before the circuit or county court of the said county, which court shall proceed at the return term of the said warrant to render judgment in the said cause, and it shall be the duty of the sheriff of the said county to proceed in the manner directed by the first section of this act.

Replevy how
made.

Sec. 3. *And be it further enacted*, That the said defendant to the said warrant may replevy the property seized: *Provided*, he enter into bond and security, payable to the plaintiff in double the amount of the sum sworn to be due, conditioned to pay the judgment which shall be rendered against him or surrender the said property to the proper officer and the said bond shall have the force and effect of a judgment and execution may issue thereon if the property so replevyed shall not be delivered to the proper officer within fifteen days after the rendition of judgment.

Damages for
wrongfully
suing out
warrant.

Sec. 4. *And be it further enacted*, That if any person shall wrongfully or vexatiously sue out such warrant, he shall be liable to pay, to the defendant therein, treble damages to be recovered by action on the case before any court having competent jurisdiction.

Approved, January 17, 1834.

[No. 121.]

AN ACT

To be entitled an act for the better organization and regulation of the 40th Regiment, 5th Brigade, and 6th Division of Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

2nd Lieuten-
ant.

convened, That in addition to the number of officers now allowed by law, there shall be one second lieutenant to each company to be elected in the same manner as other company officers are elected; lieutenants now in commission shall be designated first lieutenants, all company officers shall wear side

Side arms, &c arms and epauletts.

Officers drill.

Sec. 2. *And be it further enacted*, That all commissioned and non commissioned officers shall meet and be drilled the two preceding days before each battalion muster; and on the day preceding each regimental muster, at least three hours in each day by the adjutant, under the supervision of the commanding officer.

Company
drill.

Sec. 3. *And be it further enacted*, That there shall be held four company musters in each year, and commanders of

companies shall drill their men at least three hours in each day. The field and staff officers shall muster and drill such companies as are destitute of officers, and those companies whose officers refuse or neglect to muster their men, at least four days in each year, and three hours in each day; non commissioned officers and privates shall be fined fifty cents for each day they shall muster without guns; Notice by advertisement posted up in six public places in each captains beat, fifteen days next preceding any company battalion, or regimental muster, or courts martial, or a notice from one muster to another, shall be deemed sufficient notice. Fines, &c.
Notice how given.

Sec. 4. *And be it further enacted*, That company courts martial shall be held within twenty days after each muster; when a field officer shall have mustered any company, he or such officer as he shall appoint, shall preside at the court martial for the trial of delinquents at said muster, and he shall call to his assistance two or more discreet persons who shall act with him as members of said court; courts martial may be adjourned from day, to day, as occasion may require; and the fines so collected, after defraying the expenses of purchasing instruments of music, and hiring musicians, shall go to the use of the regiment: *Provided*, such fines be collected and paid out in the manner prescribed by the existing laws. Courts martial.
Fines how applied.

Sec. 5. *And be it further enacted*, That all commanding officers, of whatever rank, shall, annually or oftener, report to the regimental courts martial the manner in which he has executed his duties, and a neglect, or refusal to report as aforesaid, shall be deemed a neglect of duty, and shall be fined accordingly: appeals to be under the regulations of the existing laws, except that there shall be an appeal from battalion to regimental courts martial, there shall be but one appeal in each case. Officers to report.
Appeals.

Sec. 6. *And be it further enacted*, That all leaders of patrols shall be fined in a sum not less than five, nor more than twenty five dollars for each neglect of duty. The leaders shall, at the company muster, report to the commanding officers of the respective beats, the names of delinquents, and the manner they have executed their duties, and a neglect of making such report shall be deemed a contempt of order, and neglect of duty. Leaders of patrol.

Approved, January 17, 1834.

AN ACT

[No. 122.]

To authorize the establishment of a Ferry on the Conecuh river in the county of Conecuh.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William T. Spier, of the county of Conecuh, be and he is hereby authorized to establish a ferry on the Ferry

Bond to be
given.

Conecuh river on any of the lands belonging to said Spier below the mouth of Mayo's and Brackins' Mill creek on said river: *Provided however*, that the said William T. Spier shall first enter into bond with good and sufficient securities in the sum of one thousand dollars, payable to the judge of the county court of Conecuh county and his successors in office, which bond shall be approved of by said judge and filed in the office of the clerk of the county court of said county, conditioned that the said Spier will keep in good repair the banks and a flat for the safe passage of travellers.

Rates of toll.

Sec. 2. *And be it further enacted*, That the said William T. Spier shall be entitled to demand and receive the following rates of ferriages for crossing said ferry and no more, to wit: for each and every four wheeled carriage, fifty cents; each two wheeled carriage, twenty-five cents; for man and horse, twelve and a half cents; for each led, loose horse, or foot passenger, six and one fourth cents; for each head of cattle, three cents; each head of sheep, goats, &c., one cent; for each head of hogs, one cent.

Approved, January 17, 1834.

[No. 123.]

AN ACT

To authorize Kenny Pool to get coal from the bed of the Warrior river, and for other purposes

Authorizing
the cutting of
channel.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Kenny Pool be and he is hereby authorized to get coal from the bed of the Black Warrior river at Ward's shoals to Figner's field, and shall have the exclusive right for the term of fifteen years, and to accomplish this object the said Kenny Pool is hereby authorized to cut a channel twenty-five feet wide and divert the water of the said river at the said shoals: *Provided*, that the navigation of the said river shall not in any manner be impeded or obstructed by the said improvement: *And provided further*, that the said work shall be commenced within two years, and finished within five years from the passage of this act.

Proviso.

Penalty for ob-
structing na-
vigation.

Sec. 2. *And be it further enacted*, That if by making the said cutting the navigation of the said stream be impeded or obstructed, the same shall be deemed a nuisance, and any person or persons wishing to navigate said stream may abate the same as a nuisance.

Approved, January 17, 1834.

[No. 124]

AN ACT

To regulate the rate of ferriage at the Ferry at or near Vernon, Autauga county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall and may be lawful for the keeper of the ferry at or near Vernon, to claim and receive the

same rate of passage as is allowed to the ferry at Washington in said county, any law or regulation to the contrary notwithstanding.

Approved, January 17, 1834.

[No. 125.]

AN ACT

For the relief of Terry Riddle.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and forty three dollars and forty three cents be and the same is hereby appropriated to the payment of Terry Riddle, for services performed and expences incurred by him in conveying from the jail of Hamilton county, Tennessee, to the jail of St. Clair county, Alabama, John Franklin and James Brock, charged with horse stealing.

Compensation for certain services.

Approved, January 17, 1834.

[No. 126.]

AN ACT

To authorize Gideon B. Denton to erect a mill on Talladega creek, in Talladega County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Gideon B. Denton of the county of Talladega, be and he is hereby authorized to erect a mill on the Talladega creek, in said county, on the north-east quarter of section thirteen, in township nineteen and range four east, of the basis meridian, in the district of land sold at Mardisville.

Authorizing the erection of a mill.

Sec. 2. *And be it further enacted,* That the erection of said mill shall in no wise obstruct or impede the navigation of said Talladega creek, for all vessels or water crafts which may run the same, under a penalty of having the same removable as a nuisance, by order of any court having jurisdiction thereof: *Provided,* nothing in this act shall be so construed as to authorize the erection of said mill until the legal right of the land be obtained by the said Gideon B. Denton.

Shall not obstruct navigation.

Proviso.

Approved, January 17, 1834.

[No. 127.]

AN ACT

To form a company beat in the County of Marengo, with a less number of privates than forty.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that Territory, lying west of the fourth range line, north of the present southern boundary line of the beat of captain Terrell's company beat, and south of the Greene county line, be and the same is hereby constituted and established a company beat, under the same rules and regulations as prescribed by law.

Limits.

Sec. 2. *And be it further enacted,* That it shall be the duty of the proper officers, on the first Monday in March next, to or-

Elections

der the necessary elections for officers, civil and military of said beat so constituted by the first section of this act, which elections shall be held at the town of Arcola.

Approved, January 17, 1834.

[No. 128.]

AN ACT

To compensate William D. Pickett, solicitor of the eighth judicial circuit, for certain services therein named

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of two hundred dollars be and the same is hereby allowed to William D. Pickett, solicitor of the eighth judicial circuit, for services performed by him in attending as solicitor, the circuit courts of certain counties laid off in the country acquired from the Creek tribe of Indians, and attending to the organization of courts in said counties, without having received any perquisites of office in said counties, to be paid out of any money in the treasury not otherwise appropriated.

Approved, January 17, 1834.

[No. 129.]

AN ACT

For the relief of Charlotte A. A. Baker and Charlotte Dillard.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Charlotte Amanda Ann Baker, of Greene county, to take, receive and hold by purchase, gift or inheritance, any property, either real or personal, free from the hinderance, molestation or authority of her husband Nathan Baker, and the same to dispose of by will, gift or sale in the same manner as if she was a *feme sole*.

Sec. 2. *And be it further enacted,* That all the rights and privileges, granted by this act to Charlotte Amanda Ann Baker, be and the same are hereby granted to Charlotte Dillard, of the county of Madison, and all the disabilities imposed on Nathan Baker, be and the same are hereby imposed on George Dillard.

Approved, January 17, 1834.

[No. 130.]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the circuit court of Walker county in chancery sitting, the bonds of matrimony, heretofore solemnized and subsisting between Jesse Robins and Jenny Robbins his wife, be dissolved, and that the said Jesse Robbins shall be henceforth divorced from the said Jenny Robbins.

Giving Charlotte A. A. Baker the rights of feme sole.

Granting the same privileges to Charlotte Dillard.

Divorce of Jesse and Jenny Robbins.

Sec. 2. *And be it further enacted*, That in conformity with the decree of the circuit court of Perry county, the bonds of matrimony, heretofore solemnized and subsisting between Rebecca V. Oneal and her husband Williamson Oneal, be dissolved, and that the said Rebecca V. Oneal shall be henceforth divorced from the said Williamson Oneal. Of Rebecca & Williamson Oneal.

Sec. 3. *And be it further enacted*, That in conformity with the decree of the circuit court of Mobile county, the bonds of matrimony, heretofore solemnized and subsisting between Ellen Foster and her husband John Foster, be dissolved, and that the said Ellen Foster shall be henceforth divorced from the said John Foster. Of Ellen and John Foster,

Sec. 4. *And be it further enacted*, That in conformity with the decree of the circuit court of Lawrence county, the bonds of matrimony, heretofore solemnized and subsisting between John Garrison and his wife Susan Garrison, be dissolved, and that the said John Garrison be henceforth divorced from the said Susan Garrison. Of John and S. Garrison.

Sec. 5. *And be it further enacted*, That in conformity with the decree of the circuit court of Lauderdale county, the bonds of matrimony, heretofore solemnized and subsisting between Rachael Briggs and her husband Thomas P. G. Briggs be dissolved, and that the said Rachael Briggs be henceforth divorced from the said Thomas P. G. Briggs. Of Rachael & Thomas P. G. Briggs.

Approved, January 17, 1834.

[No. 131.]

AN ACT

For the relief of Vienna Jolly.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Vienna Jolly, of the county of Jackson, be and she is hereby authorized to have, hold and possess property, both real and personal, in her own name, and for her own use, and the same to purchase, sell and dispose of, by last will and testament, or otherwise, in the same manner as though she was a *feme sole*, which property so held and possessed shall not be subjected to the payment of the debts of her husband William Jolly.

Approved, January 17, 1834.

[No. 132.]

AN ACT

To authorize certain persons therein named to charge toll at the western end of the bridge across the Chattahoochie river opposite Columbus Georgia.

WHEREAS, it appears that the commissioners of the town of Columbus, Georgia, have erected a bridge across the Chattahoochie river opposite that place, and that the western abutment of said bridge rests upon the lands of Daniel McDougald, Robert Collins, James C. Watson and Burton Hepburn, within the chartered limits and jurisdiction of this State. Preamble.

Authorizing
the erection
of an abut-
ment.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel McDougald, Robert Collins, and their associates or assigns be and they are hereby authorized to make and erect all things necessary to the permanent erection of the western abutment of said bridge on their own lands opposite the town of Columbus, Georgia.

Sec. 2. *And be it further enacted,* That the present location of said bridge be and the same is hereby declared permanent.

No other
bridge to be
erected.

Sec. 3. *And be it further enacted,* That no person, company or corporation shall be authorized to erect a bridge or attach an abutment to the western bank of the Chattahoochie river, nor establish a ferry within two miles of said bridge either above or below the present location on the western side.

Penalty of e-
recting bridge

Sec. 4. *And be it further enacted,* That should a bridge be erected, or a ferry established on said river within two miles of said bridge, the owner or owners of said bridge or ferry shall forfeit and pay for each and every day that he or they may keep the same in operation, or remain attached and affixed to said western banks of the Chattahoochie river, the sum of twenty dollars.

Toll.

Proviso.

Sec. 5. *And be it further enacted,* That the said Daniel McDougald, his associates and assigns be and they are hereby authorized to demand and receive the following rates of toll at the said western abutment of the before mentioned bridge: *Provided further,* that the said Daniel McDougald, Robert Collins and their associates or assigns pay to the commissioners of the town of Columbus in the State of Georgia, one half of the value of the bridge erected as aforesaid, said value to be determined by the judge of the county court and commissioners of roads and revenue of the county of Russell, and such competent officers or persons not exceeding five in number, as may be designated by the commissioners of the town of Columbus, in the State of Georgia, acting under oath; if the officers or persons appointed as aforesaid shall neglect and refuse to act then and in that case the judge of the county court and commissioners of roads and revenue of Russell county, under oath as aforesaid, shall determine the value of the bridge erected as aforesaid: *Provided,* they shall keep the same in good repair, and be liable for all accidents, losses or delays which may occur by reason of neglect or from a want of the necessary repairs or substantial erection of the said western abutment of the before mentioned bridge, to wit: for loaded wagon each, seventy-five cents; empty, fifty cents; two horse wagon, loaded, fifty cents; empty, thirty-seven and a half cents; one horse wagon, thirty-seven

Rate of toll.

and a half cents; four wheel pleasure carriage, seventy-five cents; gig and horse, thirty-seven and a half cents; cart and oxen, twenty-five cents; man and horse, twelve and a half cents; footman, six and a quarter cents; loose horse or mule, six and a quarter cents; hogs, sheep or goats, two cents; cattle per head, three cents.

Approved, January 17, 1834.

[No. 133.]

AN ACT

Providing for the erection of public buildings in Monroe County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all monies paid into the county treasury of Monroe county, accruing from the sale of lots in Monroeville, shall be applied under the direction of the judge and commissioners, to the fund for erecting the public buildings of said county.

How certain monies shall be applied.

Approved, January 17, 1834.

[No. 134.]

AN ACT

For the relief of Edward Jones and James P. Poston.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it may be lawful for the said Edward Jones and James P. Poston to enroll their names as practicing physicians, without undergoing an examination before the medical board.

Sec. 2. *And be it further enacted,* That the said Edward Jones and James P. Poston, after complying with the requisitions in the above section, shall be authorized to practice medicine.

Approved, January 18, 1834.

[No. 135.]

AN ACT

To change the names of certain persons therein named and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the names of Samuel Prescott and Jonah Prescott, infant children of Polly Prescott, be and they are hereby changed to that of Samuel Thompson and Jonah Thompson.

Sec. 2. *And be it further enacted,* That the said children, by the names as above changed, shall be and they are hereby made capable in law, of inheritance, as heirs of Samuel Thompson, of Walker county, in the same manner as if they were legal heirs of said Thompson.

Made capable of inheriting.

Approved, January 18, 1834.

[No. 136.]

AN ACT

For the relief of John B. McAlister Sheriff of Greene County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of thirty four dollars and fifty cents

be and the same is hereby allowed to John B. McAlister, sheriff of Greene county, for victualling while in the prison of said county, eighty six days, William Wootom, and Josiah Robinson, the first under a charge and conviction of murder, the other under a charge of an assault with intent to murder, to be paid out of any money in the treasury not otherwise appropriated.

Approved, January 18, 1834.

[No. 137.]

AN ACT

To authorize William Johnson to erect a saw and grist mill on the Cahawba river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Johnson, of the county of Dallas, be and he is hereby authorized to erect a saw and grist mill upon the Cahawba river: *Provided however,* that the same be upon his own land, and do not, in any way, obstruct the navigation of said river.

Approved, January 18, 1834.

[No. 138.]

AN ACT

To incorporate the Centreville Light Horse Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That captain Jackson S. Cleveland, lieutenant Cloud F. Barton, second lieutenant Alfred Potts, and their associates in said volunteer company of the county of Bibb, be and they are hereby incorporated under the name and style of the Centreville light horse company, with power to pass such bye laws for the government of said company as may be deemed necessary: *Provided,* said laws, so passed, shall not be contrary to the constitution and laws of this State.

Who may become members.

Sec. 2. *And be it further enacted,* That any person, within the limits of the fifty third regiment of Alabama militia in said county, shall be authorized to become members of said company: *Provided,* that no militia company in said regiment shall be reduced to a less number than forty privates.

Approved, January 18, 1834.

[No. 139.]

AN ACT

To be entitled an act, to incorporate the Town of Wetumpka.

Limits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of land laid off by order of the general government, on both sides of the Coosa river, at the Wetumpka falls, into lots, shall be called and known by the name of the town of Wetumpka.

Election of com'm's.

Sec. 2. *And be it further enacted,* That on the second Monday in February next, or as soon thereafter as the citizens

of the west side of the Coosa river, at the falls and town aforesaid, may think proper: notice being given of the same; an election by ballot shall be held for five councillors, at some convenient place in said town on the west side of the river, and that all free white male persons of the age of twenty one years and upwards, who shall have resided thereon for three months next preceeding such election, or who shall be a land or householder, in said town on the west side as aforesaid, shall be entitled to a vote for said councillors, and when the election shall be closed, and the councillors elected and qualified, they shall proceed to elect one of their body intendant, whose duty it shall be to preside and preserve order at all meetings of the council, and the person so elected, shall continue in office until there successors are duly qualified.

Qualified voters.

Election and duty of intendant.

Sec. 3. *And be it further enacted,* That the first election shall be held and conducted by John M. Byers, Lemuel Bradford, William Harris, Bennet Griffin and N. H. Crocheron, or a majority of them who shall give ten days notice of the time and place of holding said election by advertising the same at three or more places in said town; all future elections shall be managed by such persons not exceeding three in number as the intendant and council shall annually appoint, who shall give the like notice of the time and place of holding the same, and the intendant, and council, respectively shall before entering on the duties of his or their office, take the following oath before some justice of the peace of Autauga county; I—do solemnly swear or affirm, as the case may be, that I will equally and impartially perform all the duties required of me, by the act incorporating the town of Wetumpka on the west side of the Coosa river, so help me God.

Managers of election.

Oath of intendant and councillors.

Sec. 4. *And be it further enacted,* That the intendant and council are hereby declared to be a body corporate, by the name of the town council of Wetumpka, and by this name, they and their successors shall be capable of suing and being sued, plead and be impleaded, in all manner of suits, either in law or equity, and to have a common seal, and the same to alter at pleasure, and may purchase, have, hold, possess, receive, enjoy or retain in perpetuity, or for any term of years, estate, real or personal, not exceeding in value twenty thousand dollars, and may sell, or lease the same.

Incorporation with usual powers.

Sec. 5. *And be it further enacted,* That if the intendant die, resign, be removed from office or absent, the council shall fill such vacancy by an appointment *pro tempore*, or otherwise; and vacancies in the council shall be filled by the intendant and remaining councillors, a majority of whom shall be a quorum to transact business.

Vacancies how filled.

Bye laws.

Town tax.

Patrol fines
how recovered.Tax on billiard tables
and retailers
of spirits.

Power of imprisonment.

Powers of justices of peace

What lands
shall be exempt
from taxation.Penalty for
neglect of duty.

Sec. 6. *And be it further enacted*, That the council shall have power to pass all such orders, bye laws and ordinances, respecting the streets, markets, buildings, pleasure carriages, wagons, carts, drays, and police of said town, that shall be necessary for the security and welfare of the inhabitants thereof, and for preserving health, peace, order, and good government, within the same, and to assess a tax on the inhabitants thereof, not exceeding one third part of the amount of the State tax which is paid for property of the same kind; they shall have power to prevent and remove nuisances, to appoint patrols and define their duties, to affix fines for offences against their bye laws and ordinances, not exceeding fifty dollars for every offence, to be recovered before the intendant or any member of the council, for the use and benefit of the town; to assess a tax on licenses, to retailers of spiritous and other liquors, and billiard tables kept for use in said town, not exceeding on the former ten dollars, and on the latter the sum of fifty dollars, in any one year, they may have power to appoint a clerk and treasurer an assessor and tax collector and constable for said town, to affix the salaries and fees of such officers respectively, and define their duties; to confine any person or persons, for a crime not exceeding six hours, who shall incur any penalty or forfeiture inflicted by any of the ordinances of said incorporation, passed in conformity to the powers vested in them by this act.

Sec. 7. *And be it further enacted*, That the intendant and each and every of the council shall be vested with all the powers and authorities that justices of the peace are vested with by the laws of this State, and may exercise the same within the limits of said town on the west side of the river, but in matters of debt only where the town council shall be a party, subject nevertheless to an appeal to the circuit court of Autauga county, as in case of appeals from decisions of justices of the peace.

Sec. 8. *And be it further enacted*, That the intendant and council shall have no power to asses a tax on lands which shall not have been laid off, and sold, or any property of the United States, or this State, or property belonging to any seminary of learning, church or religious society; they shall have no power to tax the improvements on any lot for the term of three years, or to make any bye laws or orders, repugnant to the laws of this State, and this act, and all the by laws and ordinances shall be subject to reversal or repeal by the general assembly.

Sec. 9. *And be it further enacted*, That if the intendant or any member of the council shall be guilty of any malpractice in office, he shall forfeit and pay a sum not exceeding two hundred dollars, for every such wilful neglect or malpractice, to

be recovered by any person suing for the same, in any court having cognizance of the same, one half for the use of the informer and the other to be paid into the county treasury of the county in which said town is situated.

Sec. 10. *And be it further enacted*, That in case, at any time, the intendant and council should fail to hold elections under this charter, it may be the duty of any of the citizens residing on the east side of the Coosa, in said town, three in number or more, to advertise an election for officers; and a council, so elected, shall be deemed and held equally legal and valid, as if they were elected according to the foregoing provisions of this act.

On failure of
election how
2d election
held.

Approved, January 18, 1834.

[No. 140.]

AN ACT

To allow the executors of William Murrell half pay for a slave killed while under sentence of death.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of two hundred and twenty-five dollars be and the same is hereby appropriated for a payment of the executors of William Murrell for slave Dave, who was killed while under sentence of death, and the comptroller is hereby authorized to draw his warrant on the treasury for the same, to be paid out of any monies in the treasury not otherwise appropriated.

Approved, January 18, 1834.

[No. 141.]

AN ACT

To attach the Militia of Sumpter county to the 6th Brigade of Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the militia of Sumpter county be and the same is hereby attached to the sixth brigade of Alabama militia.

Approved, January 18, 1834.

[No. 142.]

AN ACT

To authorize John M. Sally, George Grisham and Allen Levi to open and make navigable Big Swamp Creek in Lowndes County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John M. Sally, George Grisham and Allen Levi be and they are hereby authorized to improve the navigation of Big Swamp creek in Lowndes county, from a point near Hayneville to its junction with the Alabama river, so as to make the same navigable for small keel boats and barges, and shall be entitled to the sole and exclusive privilege of using the same for the period of twenty years, and shall be allowed to charge such toll as shall be allowed by the commissioners court of roads and revenue for the county of Lowndes: *Provided*,

Toll how lev^d
ed.

that no toll shall be charged until the said work shall be received by commissioners to be appointed by said commissioners court, and until they report to said court that the provisions of this act have been complied with: *And provided further*, that the said work shall be commenced within one year, and finished within three years from the passage of this act.

Approved, January 18, 1834.

[No. 143.]

AN ACT

For the relief of Mitchell McFarland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twenty-nine dollars and twenty-five cents be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, as compensation for his services rendered the State in the prosecution of Robert H. Freeman of larceny.

Approved, January 18, 1834.

[No. 144.]

AN ACT.

To amend an act entitled an act to incorporate a company to build a toll bridge across the Black Warrior river, opposite the town of Tuscaloosa, Approved, January 2nd, 1833.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners named in the before recited act, shall have power to open books for the subscription of stock on the first day of February next, or at any time thereafter and as often as they may think proper upon giving ten days notice of the time and place in one or more newspapers published in the town of Tuacaloosa.

Approved, January 18, 1834.

[No. 145.]

AN ACT

To incorporate the Cahawba river Bridge Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a stock company shall be established for the purpose of building a toll bridge across the Cahawba river, at any point on said river between Johnson's mill and the mouth of Oakmulgee creek, to be selected by three commissioners to be appointed by said company for the purpose, the capitol stock of which company shall not exceed twenty-five thousand dollars, divided into shares of one hundred dollars each: *Provided*, that said bridge shall not be so constructed as to injure the navigation of said river.

Location.

Commission-
ers.
Stock.

Subscriptions
where open-
ed.

Sec. 2. *And be it further enacted*, That subscriptions, towards constituting said company, shall be opened in the town of Marion, Perry county, on the first Monday in May next under the superintendence of Jonathan T. Sims, Levi Landon

and David McCullough; and in the town of Selma in the county of Dallas, on the first Monday of May next, under the superintendence of Gilbert Shearer, William Johnson and Middleton G. Woods, or a majority of them, and remain open at least two days at each time of opening said books, or until a sum sufficient in their opinion shall be subscribed to build said bridge; ten dollars to be paid on each share at the time of subscribing, and the balance when called for by the president and directors.

Sec. 3. *And be it further enacted,* That the subscribers to the said company, their successors and assigns shall be and are hereby created a body corporate and politic by the name and style of president and directors of the Cahawba river bridge company, and by that name shall be and are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any suit, action, matter or thing depending in any court of law or equity, and also to make and use a common seal, and the same to break, alter or renew at pleasure, and also to make, ordain, establish and put in execution such bye laws and regulations as they may deem necessary for the government of said company, not incompatible with the laws of this State. Incorporation

Sec. 4. *And be it further enacted,* That for the management of said company, the stockholders shall, annually, on the first Monday in January in each and every year, elect three directors by the qualified stockholders of said company, and by a plurality of votes, giving one vote for every share of one hundred dollars, and the said directors so chosen shall be capable of serving until the next annual election, or until their successors are qualified, and the board of directors shall annually elect at the first meeting after their election one of the directors to be president of said corporation, who shall hold his office one year or until his successor shall be elected: *Provided,* that when a vacancy shall occur by resignation or otherwise, the board shall have power to fill said vacancy from any stockholder. Directors how elected.

Sec. 5. *And be it further enacted,* That as soon as a sufficient sum is subscribed, notice thereof shall be given in some public newspaper printed in Selma or Tuscaloosa, and at the same time a notice shall be given of the time and place of holding the first election at least ten days previous to the time of said election. Notice of election.

Sec. 6. *And be it further enacted,* That it shall be lawful for the directors to call a general meeting of the stockholders at any time they may deem necessary and expedient, and any number of the stockholders owning at least one third of the stock, shall have power at any time to call a general meeting Call meeting.

giving at least two weeks notice in a newspaper, and stating the object of said meeting.

Rate of toll.

Sec. 7. *And be it further enacted,* That the property of the aforesaid bridge, when built, shall be and the same is hereby vested in the said corporation for the term of thirty years, and they may demand and receive, on the completion of said bridge, toll according to the following rates, to wit: for every four wheel carriage, fifty cents; for every wagon, fifty cents; for every two wheel pleasure carriage, twenty-five cents; for every cart, twenty-five cents; for every man and horse, twelve and a half cents; for each loose horse, three cents; for each foot passenger, six and a fourth cents; for each head of cattle, two cents; for each head of sheep or hogs, two cents.

Liability of company.

Sec. 8. *And be it further enacted,* That it shall be the duty of said corporation to keep said bridge in good repair as long as they may think proper to receive toll; they shall be held bound for all injuries which may be sustained in passing said bridge, provided said injury result from the negligence of the keeper or from want of repairs to the bridge.

How road to and from said bridge to be laid out.

Sec. 9. *And be it further enacted,* That it shall be the duty of the commissioners appointed to select a site for said bridge, also to select a site for a road leading to and from said bridge, and mark out the same and apply to the judge of the county court and commissioners of roads and revenue, for a jury to assess the damages for the land the road may pass through, and also for the timber used in the erection of said bridge, whose duty it shall be to appoint said jury, and as soon as the damages shall be paid by said company, to order the road to be opened under the same rules and restrictions as other public highways, and which road shall be of the first grade until it shall intersect other roads.

Commissioners to inspect bridge.

Sec. 10. *And be it further enacted,* That the county court of the county in which said bridge shall be erected, shall be and they are hereby authorized, whenever it may, in the opinion of the judge thereof, be deemed necessary, to appoint suitable commissioners to inspect the situation of the bridge and if a majority of them shall report that the bridge is not in good order and fit for passengers, the court shall have power to suspend the collection of toll until said bridge shall be put in good repair.

When toll to be demanded.

Approved, January 18, 1834.

[No. 146.]

AN ACT

To authorize John Baldridge and his associates to turnpike a road therein named.

Route of road

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Baldridge and his associates be, and they are hereby, authorized to open and turnpike a road to com-

thence on the east bank of the Tennessee river at George Caperton's ferry in Jackson county, thence through the Cherokee nation the nearest and best way by the Sulphur Springs to the State of Georgia.

Sec. 2. *And be it further enacted*, That the aforesaid road shall be opened eighteen feet wide, fourteen of which shall be clear of every obstruction; stumps, grubs and runners shall be taken up by the roots or cut level with the ground; sloping ground and banks of water courses shall be so worked on as to admit the easy passage of all kinds of carriages; all marshes and swamps shall be causewayed thirteen feet wide, with good and durable materials in a workman-like manner.

How road to be constructed.

Sec. 3. *And be it further enacted*, That when the said John Baldrige and his associates have completed said road and reported the same to the judge of the county court of Jackson county, it shall be the duty of said judge to appoint three suitable persons, two of whom shall be competent to act, to examine said road and report their opinion to the said judge, and the said commissioners shall receive for their services such compensation as the said judge shall deem reasonable to be paid by the said John Baldrige and his associates.

Comm'rs to examine road.

Sec. 4. *And be it further enacted*, That should the commissioners to be appointed under the third section of this act, report that the said road has been opened and is in good order, then and in that case, the said John Baldrige and his associates are hereby authorized to erect a gate on said road, the place to be designated by said commissioners; at said gate they may demand and receive of and from every person passing through said gate the following toll, to wit: for every four wheel carriage, one dollar; for every two wheel carriage, fifty cents; for every man and horse, twelve and a half cents; for every loose or led horse or mule, six and one fourth cents; for every head of cattle, three cents; for every head of sheep, goats or hogs, two cents; and if any person shall pass around said gate with the intent to avoid the payment of toll, he, or she, for every such offence, shall forfeit and pay, to the said John Baldrige and his associates, the sum of fifteen dollars, to be recovered before any justice of the peace with legal costs for the same.

Rates of toll.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the county court of Jackson county on application to direct the commissioners mentioned in the third section of this act, or any two of them, who shall proceed to examine the condition of the said road and report the condition of the same to the said judge; and in case the said commissioners should report the said road is not in good order, they shall direct the gate to be thrown open, and no toll shall be received

Penalty for persons refusing to pay toll.

When gate to be thrown open.

When road to
be commenc-
ed and when
finished.

under the penalty of twenty-five dollars for each offence until said road shall be repaired in a good and sufficient manner; and the said John Baldrige and his associates shall commence the said road within one year from the passage of this act, and shall complete the same within two years thereafter, and shall have all the profits arising from the toll of the same for the term of fifteen years from the time they are authorized to receive toll on said road.

Approved, January 18, 1834.

[No. 147.]

AN ACT

Compensating John G. Aikin for certain services therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John G. Aikin be allowed the sum of eight hundred dollars, as compensation for superintending the printing and correcting the proof sheets of the digest; and for digesting the laws of the last and the called session of the legislature.

Approved, January 18, 1834.

[No. 148.]

AN ACT

To incorporate the Cahawba and Marion Rail Road Company.

Directors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Morong as president, and Charles L. Matthews, Joseph Babcock, Alanson Saltmarsh, William Taylor, Uriah G. Mitchell, Iabez W. Heustes of Dallas, and Edwin D. King, David McCullough, Martin A. Lee, Levi Langdon, William E. Blossingame and Henry Y. House of Perry county, as directors, and their associates and successors in office, be and they are hereby made a body politic and corporate, by the name and style of the Cahawba and Marion rail road company, in which name, they and their successors in office are hereby made capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend or be defended in any court of law or Equity in this State, or elsewhere; to purchase, receive, hold, sell, convey, and confirm real or personal estate, as natural persons, to have and to use a common seal, to alter and change the same at pleasure, to pass such bye laws, rules and regulations for the good government of said corporation, as to them shall seem proper; and generally to exercise all powers, and to do and perform all acts, matters and things which they may deem necessary to carry into full and complete effect the objects of this act: *Provided*, that the real and personal estate of said corporation shall never exceed the sum of one million of dollars.

Incorporation
with usual
powers.

Capital.

Books of sub-
scription how
opened.

Sec 2. *And be it further enacted*, That the president and directors, hereby appointed, shall continue in office until the first day of January in the year of our Lord 1835, and until their

Successors are elected and qualified; and they shall cause books to be opened at Cahawba and Marion, and at such other places as they may deem proper, for the subscription of stock, and shall give thirty days notice previous to opening said books, at the several places at which books are to be opened, and shall also publish the same in the "Selma Free Press;" and said books, when opened, shall be kept open for the space of ten days, and may be opened from time to time, until a sufficient amount of stock shall be subscribed, which stock so subscribed shall be divided into shares of one hundred dollars each.

Sec. 3. *And be it further enacted*, That the stockholders shall meet at Cahawba, on the first Monday in January, 1835, and proceed to elect thirteen directors, who shall be stockholders in said company, and own at least five shares of stock, one of whom shall be chosen president by the board, and they shall take an oath faithfully to perform their duties as such president and directors, and shall continue in office for the term of twelve months, and until their successors are elected and qualified; and the choice aforesaid shall be made on the first Monday in January, annually, at such place as the board may have appointed after the first election, or in case of failure, then at such time as the directors or a majority of them may agree upon, giving twenty days notice of the time and place; and the stockholders at such election may vote in person or by proxy, and shall be entitled to one vote for every share of stock he, she or they may hold in said company: *Provided*, that no one stockholder shall be entitled to more than one hundred votes; and the stock, hereby authorized to be subscribed, shall be transferable; and all transfers of stock shall be entered on the books of said company; and the holder thereof shall be entitled to all the benefits and subject to all the liabilities of an original stockholder.

Sec. 4. *And be it further enacted*, That the president and directors of said company, when they shall have organized agreeably to this act, shall have power to borrow money, contract debts, and be contracted with upon the credit of the stock thereof, and to pledge personal or real estate for the payment of their debts, and to appoint such officers, agents and servants as they may think necessary, and give them such compensation as they may conceive just. They may require such instalments to be paid upon the stock as they may think best for the interest of said company; and on failure of any stockholder to pay the amount due upon his, her or their stock, in pursuance of any call made by the president and directors, as aforesaid, within sixty days after such call, the president and directors shall be authorized to sell said stock: *Provided*, the same can be sold

Meeting of
stockholders.

Election of
president and
directors.

Votes how
counted.

Transfer of
stock.

Powers and
duties of pre-
sident and di-
rectors.

How default-
ing stock shall
be sold.

at not less than par value, for the amount so due; and said stock shall be deemed and considered in law as private property.

Route of road

Writ of ad
quod damnum
and proceed-
ings thereon.

Sec. 5. *And be it further enacted*, That said board of directors shall commence said rail road at Cahawba, and extend the same the nearest and most eligible way to Marion, in the county of Perry: they shall be authorized to contract for and receive conveyances of any land, stone, timber, or gravel, or any other thing, which may be required in the construction of said road; and when the owner and the company cannot agree as to the price, or when the owner is an infant, non resident, or *non compos mentis*, then it shall be lawful for the president and directors of said company to apply to the judge of the county court of the county where such lands or other property may be situate, whose duty it shall be to issue his warrant, directed to the sheriff of said county, commanding him to summon a jury of seven disinterested freeholders, who shall be authorized to assess the damages under the same rules and regulations as are, or may be prescribed in case of roads, and the said jury shall forthwith assess the value of said land, stone, timber or gravel, &c. subject to the right of appeal to the circuit court, by either party, who shall think themselves aggrieved, and such appeal shall be tried *de novo*; and said court shall have full power to render such judgement as justice may require, and enter the same of record, as in other cases, and the land, timber stone, gravel, &c., so contracted for or condemned, shall enure to said company, after having paid to the owner full satisfaction thereof, according to contract, or the decision of the court aforesaid; and at the expiration of fifty years, the State of Alabama may be authorized to purchase said stock at its par value, if the legislature may deem it proper; and at every ten years thereafter, the State in like manner may have liberty to purchase the said stock at par value.

When State
may purchase
stock.

Contracts for
construction.

Sec. 6. *And be it further enacted*, That said president and directors, after having the tract, upon which said rail road is to run, surveyed and selected, may proceed to let the same to contract, in such sections as they may deem proper, and upon such conditions as they may prescribe, beginning at Cahawba in Dallas county, and running the nearest and best route to Marion in Perry county, giving thirty days notice of the time and place of letting the same to contract: *Provided*, that they shall commence the said road within three years, and complete it within ten years, from Cahawba Dallas county, to Marion in Perry county.

Call meetings

Sec. 7. *And be it further enacted*, That the said president and directors shall have power to call meetings of the stockhol-

ders at any time: a majority of the stockholders in value, either in person or by proxy, shall be able to form a quorum: they shall have power to remove the president, or any of the directors, and appoint others in their stead, and whenever a vacancy shall occur in said board, they shall fill such vacancies until such annual meeting of the stockholders as is mentioned in this act, and they shall have power to remove at pleasure any officer, agent, or servant, belonging to said corporation. Vacancies how filled.

Sec. 8. *And be it further enacted*, That in the construction of said rail road, the president and directors shall not, in any manner, obstruct any of the public roads which now are, or hereafter may be established, but shall provide suitable and convenient ways by which they may cross said rail road. Not to obstruct public road.

Sec. 9. *And be it further enacted*, That it shall be the duty of the president and directors to report to the annual meeting of the stockholders, and exhibit a clear and distinct statement of all the affairs of said company; shall report the receipts and disbursements; and after the work shall have been completed, they shall declare and pay over dividends annually to the stockholders. Board to report to annual meeting.

Sec. 10. *And be it further enacted*, That the said rail road with all works, improvements and machinery of transportation used on said road with all the rights, privileges and immunities properly belonging and appertaining to them as a corporate body, are hereby vested in said company forever, unless the State should purchase the same as provided for in this act. Vesting the property.

Sec. 11. *And be it further enacted*, That the president and directors of said company shall have power after the completion of said road, to make such lateral roads as to them may seem expedient.

Sec. 12. *And be it further enacted*, That after completing said work or any part thereof, the said president and directors may lay and collect toll from all persons, property, merchandize and other commodities transported thereon: *Provided*, that the toll shall never amount to more than twenty five per centum per annum, upon the amount invested in said work: *Provided further*, that the company, hereby incorporated, shall not have banking powers: *Provided*, that the provisions of this act shall not be so construed as to impair the rights of the Daletown, Woodville and Greensborough rail road company, to construct a lateral or branch rail road to Marion, Perry county. Rates of toll.

Approved, January 18, 1834.

[No. 149.]

AN ACT

To organize a legion of volunteers for the city and county of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever four or more companies of vol-

Battalion
how formed.

unteers, each company containing not less than forty rank and file, shall embody and uniform themselves at their own expense, all of whom shall be resident citizens of the city and county of Mobile, whether of infantry, riflemen, cavalry or artillery, it shall be lawful for said companies to form themselves into a battalion, to be known and designated "the Mobile legion," and shall notify the brigadier general of the 9th brigade that they are organized and ready for inspection; it shall then be the duty of said general to appoint a day for a review and inspection of said companies, and shall cause a complete return of the strength and condition of said companies to be made out by his assistant adjutant general, who shall return the same to the adjutant and inspector general of the State: *Provided* that this act shall not reduce the existing regiment in Mobile to a less number of rank and file than is now required by law to form a regiment.

Inspection

Return how
made.

Election of of-
ficers when
and how held

Sec. 2. *And be it further enacted*, That the said brigadier general shall, as soon after said inspection as possible, order an election to be held at the court house within the city of Mobile, giving at least ten days' notice, for one lieutenant colonel commandant and one major, who shall be styled the lieutenant colonel commandant and major of the Mobile legion; and the persons receiving the highest votes shall be returned to the secretary of State's office as the persons elected, whereupon the governor shall issue commissions accordingly: *Provided, however*, that no officer or soldier shall be entitled to vote unless he is in full and complete uniform, and each company shall first exhibit the full number of men and officers in uniform before said election shall be ordered.

Who shall be
entitled to
vote.

Adjutant and
quarter mas-
ter.

Sec. 3. *And be it further enacted*, That said lieutenant colonel commandant shall appoint from the members of said legion two persons, one of whom shall be adjutant and one quarter master; and the field and company officers shall elect one person as paymaster of said legion, all of whom shall be commissioned and rank as first lieutenants.

Sec. 4. *And be it further enacted*, That said legion shall form part of the ninth brigade of the militia of this State.

Bye laws of
companies.

Sec. 5. *And be it further enacted*, That all bye-laws enacted and adopted by each company shall be binding and have the force and effect of a law on the members of said companies respectively; and all ordinances and bye-laws adopted by the board of officers of said legion shall be binding on all officers and members of said legion.

Constitution
and bye laws
of legion.

Sec. 6. *And be it further enacted*, That the officers of said legion shall constitute a board of officers whose duty it shall be to adopt a constitution and bye-laws for the government of

said legion; and all fines and penalties, which may be established by said board, shall be binding on the members of said legion, but no fines shall be recovered or penalties enforced, except by the decision of a battalion or company court martial.

Sec. 7. *And be it further enacted*, That a legion or battalion court martial shall always consist of one captain, three subalterns and two non-commissioned officers, one of whom shall act as judge advocate and recorder; and it shall be the duty of the adjutant to detail all battalion courts martial. Legion court martial.

Sec. 8. *And be it further enacted*, That for the enforcement of all fines and penalties incurred under the company bye-laws, the captains, respectively, shall order, and the first sergeants shall detail a company court martial, which shall consist of one subaltern, one non-commissioned officer and one private of said company; and all fines imposed shall be collected by the treasurer of said company under the warrant of the president of the company court martial; and all fines imposed by the battalion court martial shall be collected by the quartermaster under the warrant of the president of the battalion court martial and shall be paid over to the paymaster of said battalion. Company court martial.

Sec. 9. *And be it further enacted*, That each company shall be commanded by the following officers, viz: one captain, one first lieutenant, one second lieutenant and one ensign or cornet, four sergeants, four corporals, one secretary and one treasurer, who shall rank on courts martial as brevette sergeants. Company officers.

Sec. 10. *And be it further enacted*, That the board of officers shall prescribe the uniform of the field and staff officers of said legion and the companies adopt uniforms of their own choice. Uniforms.

Sec. 11. *And be it further enacted*, That the Mobile guards, city troop and French grenadiers may compose a part of said legion, and until the legion be formed, they shall be considered as independent companies and shall be entitled to all the privileges of this act: *Provided* they keep up the full complement of rank and file in uniform. What companies may form said legion.

Sec. 12. *And be it further enacted*, That to encourage the system of volunteering and the formation of uniform companies, the members of the above named companies, and the said legion when formed, shall be exempt from working on the roads and road tax within the city and county of Mobile: *Provided*, however, the privileges, heretofore granted the city troop of exemption from jury duty, be, and the same is hereby repealed. Exemption of certain charges and duties

Arms.

Sec. 13. *And be it further enacted*, That the governor be, and he is hereby, authorized to furnish accoutrements to each company in said legion, upon the requisition of the captain of each company respectively, provided they give bond and security for the same.

Musicians.

Sec. 14. *And be it further enacted*, That said legion may be organize and uniform a full band of musicians not to exceed twenty-five men, who shall be entitled to all the provisions of this act.

Approved, January 18, 1834.

[No 150.]

AN ACT

Making appropriations for the payment of certain claims against the State of Alabama.

Sec. 1. *Be it enacted by the senate and house of representatives of the State of Alabama in general assembly convened*, That the following sums of money be, and the same are hereby appropriated to certain individuals herein named: To John Massey and William Barclay, agents appointed by the State for distributing "Aikin's Digest," the sum of six hundred and seventy-five dollars, to be paid out of any money in the treasury not otherwise appropriated. *Provided*, that they produce the certificate of the secretary of State that they have complied with their contract; to John Richardson and Son, the sum of two hundred and eight dollars and fifty-nine cents for coal, &c. furnished by them for the use of the capitol; to Caleb Murphey. Murphy, sheriff of Blount county, the sum of twenty-one dollars sixty cents for conveying prisoners from the county of Blount to the county of Walker; to Mark Meeks, sheriff of Fayette county, the sum of nine dollars and twenty-five cents for making return of an election; to James Hogan & Co., the sum of fifty dollars and thirty cents for socks, stationary, &c: to McCown & Conrow the sum of thirty-two dollars and twenty-five cents for damask for curtains for the State capitol; to Miller & Lee. Miller & Lee, the sum of eighteen dollars and sixteen cents for stationary, &c; to J. & M. Lacy, the sum of eighteen dollars and five cents for stationary, &c; to Kelly & Donoho the sum of thirty-two dollars for hanging chandeliers and making a step ladder for both houses; to John O. Cummins & Co., the sum of twenty-five dollars and fifty cents for candles, &c; to Andrews & Brothers, the sum of forty-five dollars and twenty-two cents for flannel, hat crape, &c; to Hardin Perkins, the sum of two dollars for fastening chains in the State house; to Augustin Lynch, the sum of one hundred and eleven dollars and seventy-seven cents for repairing and making desks: to John Tatom, the sum of thirty-five dollars for servant hire during the session; to Henry A. Snow & Co., the sum of one hundred

Appropriation to Massey and Barclay.

Richardson & Son.

C. Murphey.

M. Meeks.

Hogan & Co.

McCown & Conrow.

Miller & Lee.

J. & M. Lacy.

Kelly & Donoho.

J. O. Cummins.

Andrews & Brothers.
H. Perkins.

A. Lynch.

J. Tatom.
H. A. Snow & Co.

and thirty-five dollars and sixty-six cents for sperm candles; to D. Woodruff the sum of three hundred and twenty three dollars and twenty-five cents for stationary.

Sec. 2. *And be it further enacted*, that the sum of eighty-five dollars be appropriated to Samuel H. Garrow as compensation for his services acting as a commissioner in the examination of the branch of the bank of the State of Alabama at Mobile, and that the further sum of eighty-five dollars be appropriated to John B. Hogan as compensation for like services, to be paid by said bank

Approved January 18, 1834.

[No. 151.]

AN ACT

Making appropriations for the payment of certain claims against the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be and the same are hereby appropriated for the payment of certain individuals herein named, for furnishing provisions for persons confined in the jails of their respective counties, and for removing the prisoners by order of court, to wit: To James Windsor, jailor of Blount county, the sum of thirty-nine dollars and six cents; to James Wilkins, sheriff of Baldwin county, the sum of twenty-nine dollars and ten cents; to Matthew Roberts, sheriff of Lawrence county, the sum of one hundred and eighty dollars and eighty cents; to J. W. Hooper, jailor of St. Clair county, the sum of twelve dollars; to Charles Beale, jailor Tuscaloosa county, the sum of eighteen dollars and forty cents; to James Savage, jailor of Clarke county, the sum of forty six dollars and forty cents; to M. H. McHenry, sheriff of Shelby county, the sum of thirty dollars; to Hugh Pettit, sheriff of Franklin county, the sum of two hundred and thirty-eight dollars and ninety-nine cents, also the additional sum of fifteen dollars; to J. B. McAlister, sheriff of Greene county, the sum of fifty-seven dollars and forty-eight cents; to J. H. Beanes, sheriff of Taledaga county, the sum of forty-nine dollars and sixty cents; to John Arnett, sheriff of Lauderdale county, the sum of five hundred and eighty one dollars and sixty-seven cents; to M. Meeks, sheriff of Fayette county, the sum of seventy-one dollars and twenty cents; to L. B. Patton, jailor of Walker county, the sum of six dollars and forty cents; to W. A. Scott, sheriff of Jefferson county, the sum of seventeen dollars and eighty cents; to W. Y. Glover, sheriff of Tuscaloosa county, the sum of six dollars and forty cents; to John R. H. Acklin, sheriff of Madison county, the sum of forty-eight dollars and twenty-five cents; to Joseph Bates, jr. sheriff of Mobile county, the sum of

J. Windsor.

J. Wilkins.

M. Roberts.

J. W. Hooper.

C. Beale.

J. Savage.

M. H. McHenry.

H. Pettit.

J. B. McAlister.

J. H. Beavers.

J. Arnett.

M. Meeks.


L. B. Patton.

W. A. Scott.

W. Y. Glover.

J. R. H. Acklin.

J. Bates.

 six hundred and seven dollars and eighty cents; to George L. Medlock, sheriff of Monroe county, the sum of two hundred and fifty-seven dollars and forty-seven cents; [\$257 47;] to W. N. Burke, sheriff of Dallas county, the sum of one hundred and twenty-four dollars and seventy-seven cents; to M. Kelly, sheriff of Jefferson county, the sum of eighty dollars and eighty cents; to Edward Ellis, jailor of Montgomery county, the sum of two hundred and nine dollars and twenty cents; to Daniel Lucas, sheriff of Jackson county, the sum of four hundred and seven dollars and twenty-six cents; to Wade H. Vining, sheriff of Limestone county, the sum of one hundred and sixty-one dollars and five cents.

Sec. 2. *And be it further enacted*, That the following sums of money be and they are hereby appropriated to certain persons herein named, for making returns for members to congress and for president and vice president of the United States, to wit: To Robert Parker, sheriff of Bibb county, the sum of nine dollars; to W. Y. Glover, sheriff of Tuscaloosa county, the sum of three dollars; to Mark Meeks, sheriff of Fayette county, the sum of fifteen dollars; to Samuel J. Wright, sheriff of Butler county, the sum of forty-two dollars; to F. Blount, sheriff of Washington county, the sum of fifteen dollars and fifty cents; to J. H. Beanes, sheriff of Taladega county, the sum of twenty-one dollars; to J. A. Yowell, sheriff of Marion county, the sum of fifteen dollars and twenty-five cents; to J. H. Gorman, sheriff of Autauga county, the sum of twenty-four dollars and fifty cents; to James Wilkins, sheriff of Baldwin county, the sum of eighteen dollars and fifty cents; to John Arnett, sheriff of Lauderdale county, the sum of eleven dollars; to Henry Garrard, returning officer of Lauderdale county, the sum of twenty four dollars and seventy-five cents; to L. Aycock, sheriff of Perry county, the sum of twelve dollars; to W. H. Vining, sheriff of Limestone county, the sum of nine dollars and fifty cents; to J. Bates, sheriff of Mobile county, the sum of nineteen dollars; to B. F. Roper, sheriff of Pickens county, the sum of nine dollars; to D. R. Garland, returning officer of Franklin county, the sum of six dollars; to Daniel Lucas, sheriff of Jackson county, the sum of fifteen dollars.

Sec. 3. *And be it further enacted*, That the sum of fifty dollars be and the same is hereby appropriated to Short Long, for apprehending and prosecuting to conviction George W. Seins for horse stealing, and that the further sum of fifty dollars be and the same is hereby appropriated to John B. Dixon, for apprehending and prosecuting to conviction George W. Seins for horse stealing.

Sec. 4. *And be it further enacted*, That the sum of two

hundred and seventy-two dollars and thirty-seven cents be and the same is hereby appropriated to William Y. Glover, sheriff of Tuscaloosa county, for attending on the supreme court, and for stationary furnished the same at the January and June terms of said court in the year 1833, and that the further sum of forty-five dollars be and the same is hereby appropriated to David Woodruff, for four record books furnished by him for the use of the supreme court.

Sec. 5. *And be it further enacted*, That the sum of twenty dollars be appropriated to Kelly & Donoho, for making a closet in the State capitol and for putting on new locks on the doors of the capitol.

Sec. 6. *And be it further enacted*, That the sum of ninety-two dollars [\$92,] be appropriated to James Rather for taking care of the State capitol, washing rooms, making curtains, &c.

Sec. 7. *And be it further enacted*, That the sum of ten dollars be and the same is hereby appropriated to William W. Garrow for prosecuting a slave in Baldwin county.

Sec. 8. *And be it further enacted*, That the sum of nine dollars be and the same is hereby appropriated to Wade H. Vining for making a return of the second brigade of the first division of Alabama militia from Limestone to Lauderdale county.

Sec. 9. *And be it further enacted*, That the sum of one hundred and twenty-five dollars be and the same is hereby appropriated to Charles Lewin, for rent of house used for State arsenal for the year 1833.

Sec. 10. *And be it further enacted*, That the sum of twenty dollars be and the same is hereby appropriated to Jeremiah Jones for prosecuting to conviction two slaves named Jack and Phil, in the county of Wilcox.

Sec. 11. *And be it further enacted*, That the sum of thirty-six dollars and fifty cents be and the same is hereby appropriated to Solomon Perteet for grates and iron work for the State capitol.

Sec. 12. *And be it further enacted*, That the sum of one hundred dollars [\$100,] be and the same is hereby appropriated to James Kelly for pursuing, apprehending and prosecuting Loyd Rogers and Chesly Rogers for horse stealing.

Sec. 13. *And be it further enacted*, That the sum of twenty dollars and seventy-five cents be and the same is hereby appropriated to W. Y. Glover, sheriff of Tuscaloosa county, for servant hire in attendance on the supreme court; also the sum of thirty-eight dollars and thirty-eight cents for stationary and fuel.

W. Hester Sec. 14. *And be it further enacted*, That the sum of four dollars and thirty-seven cents be appropriated to William Hester assessor and tax collector of Franklin county.

J. Beene Sec. 15. *And be it further enacted*, That the sum of two hundred and eighty-eight dollars and seventeen cents be and the same is hereby appropriated to Jesse Beene for recording the opinions of the supreme court up to the year 1824, including the December term.

W W & F W McGuire Sec. 16. *And be it further enacted*, That the sum of one hundred and forty-two dollars and fifty cents be and the same is hereby appropriated to W. W. & F. W. McGuire for printing done for the senate.

J. A. Bates Sec. 17. *And be it further enacted*, That the sum of ten dollars be and the same is hereby appropriated to James A. Bates doorkeeper of the senate, for collecting the furniture of the capitol and taking an inventory of the same, and for illuminating the senate chamber under an order of the senate of the 8th instant.

M. Beckwith Sec. 18. *And be it further enacted*, That the sum of ten dollars be and the same is hereby appropriated to the payment of M. Beckwith for copying certain documents for the joint committee appointed to examine into the books and accounts of the University.

Secretary of State. Sec. 19. *And be it further enacted*, That the sum of six hundred dollars be and the same is hereby appropriated to enable the secretary of State to carry into effect the law which requires him to purchase, annually, the necessary books and stationary for the several departments of State and the general assembly, passed January 15th, 1834.

Approved, January 18, 1834.

No. 152.]

A. N. ACT

Making appropriations for the year 1834.

Appropriations for the Governor Sec. 1. *Be it enacted by the senate and house of representatives of the State of Alabama in general assembly convened*, That the following sums of money be, and the same are hereby, appropriated to defray the expenses of the court list and other necessary charges on the government, viz: for the payment of the annual salary of the government of this State the sum of twenty-five hundred dollars for the payment of the annual salaries of the secretary of State, the comptroller and treasurer the sum of one thousand dollars each; making three thousand dollars for the payment of the annual salaries of the judges of the supreme court, seventeen hundred and fifty dollars each, making five thousand two hundred and fifty dollars; for the payment of the annual salaries of the circuit judges the sum of fifteen hundred dollars each, making twelve

thousand dollars; for the payment of the annual salary of the attorney general, four hundred and twenty-five dollars; for the payment of the annual salary of the solicitor of the first judicial circuit, three hundred and fifty dollars; for the payment of the annual salaries of the solicitors of the second, fourth, fifth, sixth, seventh and eighth judicial circuits, the sum of two hundred and fifty dollars each, making the sum of fifteen hundred dollars; for the payment of the annual salaries of the quarter master general the sum of two hundred dollars; for the payment of the secretary of the senate and the principal clerk of the house of representatives each seven dollars per day during the session of the legislature; for the payment of the assistant secretary of the senate and the assistant engrossing clerks of the house of representatives, each five dollars per day; for the payment of the doorkeepers of the senate and house of representatives, each the sum of four dollars per day; for the payment of the messenger of the house of representatives four dollars per day; to be paid out of any money in the treasury not otherwise appropriated.

Attorney general.

Solicitors.

Quarter master general.

Secretary of Senate and Clerk of H of Reps

Door-keeper

Sec. 2. *And be it further enacted,* That the sum of one hundred and fifty dollars be, and the same is hereby, appropriated for the secretary of the senate for completing the journal and arranging the papers of the senate of the annual session, and the sum of one hundred and fifty dollars be, and the same is hereby, appropriated for the payment of the clerk of the house of representatives for completing the journal and arranging the papers of the house of representatives of the annual session.

Secretary of Senate and Clerk of H of Reps

Sec. 3. *And be it further enacted,* That the sum of three hundred and twenty-five dollars be, and the same is hereby, appropriated for the payment of the secretary of State for copying and making an index to the laws, for copying the journals of each house of the general assembly of the present session, preparing the whole for the press and superintending the printing thereof.

Secretary of State

Sec. 4. *And be it further enacted,* That the sum of two hundred and fifty dollars be, and the same is hereby, appropriated to the comptroller of public accounts as payment of clerk hire in his office for the past year.

Comptroller

Sec. 5. *And be it further enacted,* That the sum of two thousand five hundred dollars be, and the same is hereby, appropriated to the payment of the annual salary of the State printers for the present year.

State printers

Sec. 6. *And be it further enacted,* That the sum of two thousand dollars be, and the same is hereby, appropriated and set aside as a contingent fund.

Contingent fund

Approved January 18, 1834.

To authorize Seldon A. McMeans of Lowndes county to practice Medicine for two years.

WHEREAS it has been represented to this general assembly by the petition of a number of the citizens of Lowndes county that the portion of said county in which they reside is destitute, in a considerable degree, of that medical aid which is necessary for their comfort and safety; that they have the utmost confidence in the skill and ability of Seldon A. McMeans, whose pecuniary circumstances, and irregular course of study render it doubtful whether for some time to come he can procure a license from the medical board of Alabama; and that said McMeans has practised for sometime among them with surprizing success, and at his own expense, and relying upon the gratitude and honor of his patients for remuneration: therefore

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Seldon A. McMeans is hereby licensed and permitted to practice medicine in the county of Lowndes, and those counties adjacent to it, for the term of two years, under all the rules and regulations which are, and may be prescribed by the medical board aforesaid, and to sue for the collection of all his accounts which may be contracted during that time.

Approved, January 18, 1834.

JOINT MEMORIAL in relation to Public Lands.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists would respectfully represent to your honorable body, that many of the earli st, and most worthy and valuable citizens of the State of Alabama, became purchasers of lands from the United States, in the years of 1818 and 1819, at the extravagant prices at which they were then selling, and made settlements upon. It is a part of the history of this State, that at that time, cotton, the staple commodity of the country, was selling at a most extravagant price, thereby imparting an unreasonable and unreal value to all other property—therefore the purchases of land made under such circumstances, a price, greatly exceeding their real value, was in most, if not in every instance, given for them; shortly however, cotton fell in its price, and produced a corresponing depreciation in the value of all other property.

So great and distressing was this state of things, that congress at its session in the year 1820, passed a law for the relief of land purchasers, allowing them the privilege of relinquishing a part and applying the payments made thereon to other parts retained, and of paying the residue of the purchase money at a discount of thirty-seven and a half per cent, or to take a further credit of six or eight years (without interest) according to the instalments paid.

Believing that the terms offered by this act of congress, even the best that would ever be proposed, the class of purchasers, to which your memorialists allude, feeling the great importance of securing homes for their families, paid the whole price of the lands retained either by relinquishment, or in cash at the discount. Since that time however, congress has from time to time extended relief to those who took further credit until the session of 1829 and '30, when a law passed, giving to those who had paid the amount of three dollars and fifty cents per acre, a patent for their lands without further payment, and to those who had paid this amount the

privilege of paying one dollar and twenty-five cents, or less in addition to what they had formerly paid, and receiving a patent for their lands. The first class of persons thus relieved, was composed of those who purchased lands at the price of fourteen dollars or upwards, and the second, of those who purchased at a less price, another class of purchasers, who had only paid one twentieth part of the purchase money and permitted their lands to revert, were relieved by granting them scrip to the amount they had paid.

Thus it is shewn to your honorable body, that all other classes of land purchasers, except those who were most prompt in paying their money into the public treasury, have been relieved—and your memorialists are entirely unable to see any justice in making this difference to the prejudice of those who had been most prompt in payment; and nothing is more common than to see persons residing in the same neighborhood, and in fact adjoining each other with only an imaginary line between them, occupying lands of equal value which were bid off at the same price at the sales, one of whom has paid twenty dollars per acre for his land, and the other only five; and so in proportion to the various prices at which the land sold. Such inequality is diametrically opposed to those principles of equal justice which should constitute the foundation of all legislation.

Your memorialists conceive it to be the duty of all governments and particularly our own, so to legislate, that equal rights and equal privileges may be established and preserved among its citizens, and to hold out every inducement to punctuality and good faith. Your memorialists cannot believe that the inequality in the law, which they allude was designed by congress, but that it was the result of inadvertence, for your honorable body are not unapprised that the citizens alluded to are as valuable as those who have been relieved, and according to the revenue laws of this State, have been compelled for years to pay a larger amount of taxes than those who had only paid a small portion of the purchase money on their lands.

Your memorialists therefore pray that a law may be passed, placing this class of purchasers upon an equal footing with others who have received such ample and generous relief, and that the treasury may not be burthened by having to refund this money; your memorialists will be satisfied for this class of purchasers to be placed upon the same footing with those who permitted the lands they had purchased to revert to the government, by granting them scrip, receivable in payment for other lands which may hereafter be sold by the government, and in extending the benefit asked for by your memorialists, will as in duty bound ever pray, &c.

Resolved, That our senators in congress be instructed, and our representatives be requested, to use every exertion in their power to carry the foregoing measures in the memorial into effect, and that his excellency be requested to furnish each of our representatives in congress with a copy of the same.

Approved December 2, 1853.

MEMORIAL to the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the general assembly of the State of Alabama, respectfully represent: That the policy heretofore commenced and for a time acted upon by the general government, of granting pre-emption rights to settlers upon public lands in the purchase of one hundred and sixty acres at the minimum price of the government has been attended with most beneficial consequences to the settlers, and has not materially diminished the public revenue. The liberal provision, heretofore made by congress for the benefit of *actual settlers* upon the public lands, has enabled a meritorious class of the community to purchase and pay for their homes, and has greatly promoted the improvement of the country, and the increase of its wealth and population. The preference, granted to the actual occupants and cultivators of the soil, had the effect to protect the weak against the strong—to prevent an unequal and ruinous competition between the settler of limited means who wished to purchase for the purpose of cultivation; and the speculator whose object was not

for settlement and cultivation, but with a view to a resale at a high profit. Experience has shown that at most of the public sales of land under the auction system, the government has not received the benefit which might be supposed to result from the usual competition among bidders, but in many instances extensive tracts of most valuable lands have been purchased at the minimum price of the government, by combinations of wealthy speculators too powerful to be successfully resisted by the settlers, and resold to the cultivators of the soil at high profit.

The system of disposing of the public lands, at auction, would be less objectionable if the common fund of the whole people of the United States, who own the soil, could receive the benefit of the competition which such sales are supposed to induce. But many years experience has shown the fact that such sales result in a compromise between a few extensive money holders, and the great mass of the settlers by which the government is not benefitted; the settlers are injured and the speculator receives the profit. This is the inevitable tendency of the present system of disposing of the public lands, and no laws, however severe their penalties, will have the effect to prevent it.

Your memorialists do not object to any fair and equitable mode of disposing of the public lands, which will secure to the government the repayment of their cost and the reasonable expense of surveying and selling; but they feel assured that in providing for the attainment of this object, your honorable bodies will have a due regard to the interest of those who encounter the hardships and privations incident to the settlement and improvement of a new country. The enterprising and industrious citizen, whose object is to subdue and cultivate the soil, is entitled to a preference over him whose purpose in buying is to speculate, and as the prosperity of the country and the increase of its wealth and population would be greatly promoted, and most affectually secured by an enlarged and extensive cultivation of the soil: Your memorialists respectfully ask the passage of a law, granting pre-emption rights to actual settlers upon the public lands, in the purchase of one quarter section at the minimum price, to include their improvements. Your memorialists would also respectfully represent to your honorable body, that there remain, in different parts of this State, many portions of public domain, heretofore offered for sale, and which, though subject to entry at the minimum price, for years past, still remain unsold. Much of this sterile and refuse land lies in the most fertile, populous, and wealthy parts of the State, and would doubtless be entered at more than its intrinsic value; other portions are held by the more indigent, though not less meritorious class of citizens, who, in connection with this refuse, may also be tenants of a small spot of more valuable land, which escaped the eye of the avaricious speculator. The minimum price being much too great is the sole and obvious reason of these barren lands remaining unsold. Your memorialists do believe that if the price were reduced to a reasonable quantum, the lands would then be immediately disposed of, and the government treasury, instead of sustaining a loss, would receive greater accession to her funds than otherwise; but even admitting that a reduction of the price would diminish our national revenue, still your memorialists are strongly convinced, yes, overwhelming reasons appealing to the wisdom of congress, for a change of policy in the distribution of refuse lands, more favorable to the yeomanry of our country. Let such lands be disposed of at their real value, then will it be in the power of every citizen to become a freeholder; our population will become more dense, our strength greater, and the places that are now sterile and barren wastes, would soon be the homes of poor but industrious farmers. Your memorialists deem it unnecessary to urge any other reasons in favor of the policy which they recommend, as every consideration both of policy and justice seems to demand the reduction asked for. They therefore pray a reduction in said lands to fifty cents per acre, and the prospective annual reduction until the whole shall have been disposed of, allowing the occupant a pre-emption right to one eighth of a section—and as in duty bound, &c.

Resolved, That our senators in congress be instructed, and our representatives requested to use their best exertions to secure the object embraced in the foregoing memorial.

Resolved further, That the governor be requested to cause a copy of said memorial to be forwarded to each of our senators and representatives in the congress of the United States.

Approved, December 27, 1833.

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JOINT RESOLUTION abandoning the contract of Graves, Caruthers & Co. with the Tennessee Canal Commissioners.

WHEREAS, the board of Tennessee canal commissioners is of opinion, that the stone masonry specified in the contract with Graves, Caruthers & Co., to be done on the Tennessee river between Florence and Waterloo, will be in a great degree, or wholly useless, if not highly detrimental to the navigation of said river, if it be prosecuted, therefore,

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the board of Tennessee canal commissioners be and they are hereby instructed to abandon entirely the execution of the work specified in the contract with Graves, Caruthers & Co., and as a compensation for time and labor spent about said work, the board is hereby directed to pay to the said Graves, Caruthers & Co., the sum of five thousand five hundred dollars as a full and final settlement and discharge of the obligations of said board to said contractors.

Approved, January 11, 1834.

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JOINT RESOLUTION for the relief of certain persons therein named.

Be it resolved by the Senate and house of representatives of the State of Alabama in general assembly convened, That the president and directors of the bank of the State of Alabama be, and they are hereby, authorized to purchase a bill of exchange for five thousand five hundred dollars, drawn by Amos Jarman in favor of D. Wallis & Sons, on messrs Wilcox & Fearn of New Orleans, and endorsed by the said John D. Wallis & Sons and John T. Abernathy: *Provided*, the said president and directors consider the said bill to be perfectly good, and that it is safe and prudent to purchase it,

Approved January 14, 1834.

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JOINT RESOLUTION, authorizing and requiring the cashier of the branch of the bank of the State of Alabama at Mobile to check on the branches at Decatur and Montgomery for their proportion of the amount paid to George S. Gaines, Esq.

Resolved by the senate and house of representatives of the State of Alabama in general assembly convened, That the cashier of the branch of the bank of the State of Alabama at Mobile be, and he is hereby, authorized and required to check on the branch of the bank of the State of Alabama at Montgomery and Decatur for their equal proportion of the five thousand dollars paid to George S. Gaines by said branch bank at Mobile for his services, rendered in negotiating the sale of the State stock creating the capital of said banks, which shall be full compensation for said services, and the sum when received shall pass to the credit of said branch bank at Mobile.

Approved, January 16, 1834.

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JOINT MEMORIAL, of the senate and house of representatives of the State of Alabama to the congress of the United States.

Your memorialists are constrained, by a knowledge of the hardships to many of the pensioners in this State who reside (as most of them do) in remote parts of the State from the city of Mobile, to ask, in their behalf, the location of additional agencies for the payment of pensions, at the town of Decatur, in the northern part of the State, at Tuscaloosa and Montgomery.

The location of such an office in the north is more strongly called for on account of there being no, or nearly, no commercial intercourse between that section of country and the city of Mobile: besides the great distance pensioners are compelled to travel, or risk agents with whom they are strangers, and who, in some instances,

have been known not to be faithful. The same reasons in part will apply to the other points where offices are requested to be established.

At all of the places mentioned there are banks in which deposits could be made for the purpose of paying pensions with all the safety to the funds of the government that Mobile affords. The cashiers of these banks would no doubt act as agents without any or for very small compensation.

The great certainty and formality required by agents to be observed in applications, often cause him to return papers; postages, delay and loss is always the consequence, and in some instances those for whose support the liberality of the government thus bestowed is almost the only means of subsistence upon which they rely, facilities afforded, that will enable them promptly to draw their sums when due, are highly important to the attainment of the laudable object of congress, in providing for pensioners.

Resolved, That our senators be instructed, and our representatives requested, to use their best exertions for the attainment of the objects herein desired.

Resolved, That his Excellency forward a copy of this memorial to each of our members in congress.

Approved January 17, 1834.



JOINT MEMORIAL of the Legislature of the State of Alabama to the Congress of the United States,

States,

Respectfully represents that since the passage of the act of congress of June, 1831, the number of pensioners in this State have become comparatively so numerous, especially in that part of the State known as the Tennessee valley, that the very great inconvenience and difficulty to which they are subjected in obtaining their pensions from the agent in the city of Mobile, which was before very great, has now become a subject of common, and we must say, just cause of complaint. The distance of Mobile to the extreme northern part of the State, where many of the pensioners reside, is about three hundred and fifty miles. This worthy and respectable class of our citizens have twice a year to travel to Mobile to receive their annual payments of their pensions, or make powers of attorney to others to draw for them, at much expense and delay. The great strictness, too, required in the forms of the powers and accompanying certificates, frequently cause them to be rejected, thus producing even greater delay and a repetition of all the attendant expenses several times in procuring one payment; and when the application is successful and the payment made, the risk of transmitting the money by mail still renders the ultimate reception of it by the pensioner uncertain. This venerable and worthy class of citizens are generally poor and infirm, therefore, least able to encounter either the journey to receive their pensions, or the loss in obtaining it by an attorney.

We, therefore, pray an agency may be created some where in the Tennessee Valley, and the government funds for the payment of pensioners deposited in the branch of the bank of the State of Alabama at Decatur. Also, at the bank of the State of Alabama at Tuscaloosa, and at the branch of the said bank at Montgomery.

Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators in congress be instructed and our representatives requested to procure the passage of a law in conformity with the foregoing memorial.

And Resolved further, That his excellency the governor be requested to cause to be forwarded copies of the foregoing memorial and resolutions to each of our senators and representatives in congress.

Approved, January 17, 1834.



JOINT MEMORIAL of the General Assembly of the State of Alabama to the Congress of the United States.

Your memorialists beg leave to state to your honorable body, That there remains unsold a remnant of the 400,000 acres of land given to this State for the improvement of the Tennessee and other rivers, which they believe can never be sold at the pre-

sent minimum price of the public lands; below which price they have no right by the terms of the grant to provide for its disposal. The importance of realizing the entire proceeds of the grant of 400,000 acres is to us most obvious. The work around the muscle shoals is now in successful progress, and we look forward with flattering prospects to its early completion. In order therefore that the value of the remaining portion of land may be disposed of, we ask of your honorable body the passage of a law, authorizing the State of Alabama to sell the remnant of the land granted to the State for improving certain rivers therein named, for the best price that can be obtained without regard to the fixed minimum rate.

It will be seen by your honorable body, that this subject is not alone a matter of great interest to the State of Alabama, but equally to all the States who, from their locality, feel interested in the works for the completion of which the donation was made. By authorizing the State to effect a sale upon the best terms, a considerable sum may be realized; but under existing regulations and restrictions the lands cannot be sold.

Resolved therefore, That our senators be instructed, and our representatives be requested to use their best exertions to pass such a law as is contemplated in the memorial; and that his excellency the governor be requested to transmit to each of our senators and representatives in congress a copy hereof.

Approved, January 17, 1834.

JOINT MEMORIAL to the Congress of the United States.

The Memorial of the Senate and House of Representatives of the State of Alabama respectfully represents to your Honorable body, That the little but flourishing town of Tusculum in Franklin county, has two infant but respectable institutions in said town, known by the name of the male and female academies, and as it is known that the Congress of the United States has unappropriated lands within the limits of said county of Franklin;

Therefore be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators be instructed and our representatives in Congress be requested to use their best endeavors, to have an act of Congress passed at the present session, authorizing the trustees of said institutions to select for each institution four sections of land at the minimum price.

And be it further resolved, That the trustees of the Elizbeth academy, in said county of Franklin, be authorized to select four sections, and that the executive of this State be requested to forward a copy of the same to each of our senators and representatives in Congress.

Approved, January 17, 1834.

JOINT RESOLUTIONS authorizing the Commissioners of the State Capitol to procure additional furniture for the Senate and House of Representatives, and for other purposes.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the commissioners of the State capitol be and they are hereby authorized to procure desks and chairs for the additional number of senators and representatives, according to the new apportionment, also desks for the president of the senate and speaker of the house of representatives and secretary of the senate, and the comptroller of public accounts be authorized to issue his warrant in favor of said commissioners, for the sum necessary to defray the expenses of the same.

Resolved further, That said commissioners be authorized to procure a carpet and window curtains for the supreme court room, and that they be also authorized to cause seats to be erected for the judges of said supreme court, and a bar within the said room.

Approved, January 17, 1834.

JOINT RESOLUTIONS relating to the books of the Trustees of the University and for other purposes.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the comptroller be and he is hereby requested

to associate with him some skilful accountant and book-keeper, and to examine all the accounts and reports of sales of University lands, to ascertain to whom each particular tract was sold and for what price, the amount received thereon including interest; also to examine all the disbursements made by the board of trustees, and on what account, and to open and bring up a regular set of books shewing a full and correct situation of the accounts of all persons who have had dealings with the institution or any of its agents, and the true situation of the University fund, and to cause said books to be delivered to the trustees at their next meeting.

Be it further resolved, That it shall be the duty of the agent of the board of trustees to make quarter yearly reports to the president of the board of trustees, shewing the amount of money received by him, from whom, and on what account, and to deposit the amount in his hands, at the end of each quarter, in bank; the amount derived from the sale of land to be invested in bank stock, and the amount derived from other sources and called income fund, to be subject to the control of the trustees; it shall also be the duty of said agent to report quarter yearly a true condition of all notes, bonds and claims in his hands uncollected, describing such as are in suit.

Approved, January 18, 1834.

JOINT MEMORIAL to the Congress of the United States requesting the right of a grant of land for each township wherein the sixteenth sections have proved valueless.

The memorial of the legislature of the State of Alabama to the congress of the United States respectfully represents to your Honorable body, that there is a large portion of the citizens of their State entirely deprived of the benefits of an act of congress, granting the sixteenth section of each township to the use of the inhabitants of the same for literary purposes, in consequence of said sixteenth section proving entirely valueless and that generally in the poorer sections of the state, where the inhabitants mostly stand in need of the benefits of donation; your memorialists, therefore, respectfully represent to your Honorable body the justice and propriety of allowing the inhabitants in each and every township in this State where the sixteenth sections have proved valueless, to relinquish the same, and in lieu thereof select one other section from any unappropriated lands in the State, to be applied to the specific object of education in the township for which the selection was made; and as in duty bound your memorialists will ever pray.

Resolved, That our senators and representatives in congress be requested to use their best endeavors to procure the passage of a law in congress, embracing the objects of the foregoing memorial.

Resolved, That his excellency, the Governor of this State, be requested to forward one copy of this joint memorial and resolutions to each of our senators and members in congress.

Approved, January 18, 1834.

DEPARTMENT OF STATE, TUSCALOOSA, March 1, 1834.

I have carefully examined the foregoing Acts and Resolutions, and find them to be true copies of the original rolls deposited in this Office.

JAMES I. THORNTON, Secretary of State.

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